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# The Durham Gentry:

Social Stability and Change in the Palatinate of Durham,  
c.1286-1346

Jonathan Paul Boniface

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Submitted in fulfilment of the degree of Ph.D.  
University of Durham, Department of History  
February 2006

11 JUN 2007

## **Abstract**

This thesis is a study of the gentry society of the palatinate of Durham in a sixty year period embracing the end of the thirteenth century and the first half of the fourteenth century. It sets the evidence concerning Durham against a number of key debates concerning the development and status of the gentry class within the north of England and the realm as a whole, and demonstrates that whilst the position of the gentry fits with general themes common to the realm, it had a different experience from the gentry of the far north because it stood aloof from the effects of the Scottish wars. The central theme is the notion of cohesion: did cohesion exist within Durham society and what form did it take? It is argued that this cohesion was not based upon a rigid separate administrative structure, but rather a whole range of social relationships manifested in the lordship of the bishop. The main areas to be considered are the role of the Durham gentry in administration and office-holding, and landholding and lordship. First, it is demonstrated that Durham administration was highly organised and comprised three distinct types of men, but that these men had varied careers and also identified their interests outside Durham. Second, it is demonstrated that there was great stability within landholding in the palatinate, and that theories of decline in the gentry class are not borne out by the evidence relating to Durham, although the role of the gentry was, itself, distinctive. Finally, the role of ecclesiastical relations, and the gentry within these, is considered, and it is proposed that a stratification took place between ecclesiastical and secular society in this period. Overall, this thesis argues that experience of the Durham gentry demonstrates that Durham society possessed a high degree of cohesion in this period, but that the historian should still be cautious when talking of 'identity' within that society.



## Acknowledgements

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## Abbreviations

<i>AA</i>	<i>Archaeologia Aeliana</i>
Archiep.	Archiepiscopalia deeds, DCM
Cart. I - III	Cartularies I – III, DCM
Cart. Vet.	Cartulary Vetus, DCM
<i>CCR</i>	<i>Calendar of Close Rolls</i>
<i>CFR</i>	<i>Calendar of Fine Rolls</i>
<i>CIM</i>	<i>Calendar of Inquisitions Miscellaeous</i>
<i>CIPM</i>	<i>Calendar of Inquisitions Post Mortem</i>
<i>CPR</i>	<i>Calendar of Patent Rolls</i>
DCM	Durham Cathedral Muniments
<i>DNB</i>	<i>Dictionary of National Biography</i>
DURH	Durham Collection, The National Archives
<i>EcHR</i>	<i>Economic History Review</i>
<i>EHR</i>	<i>English Historical Review</i>
Elemos.	Elemosinaria deeds, DCM
Finc.	Finchalia deeds, DCM
<i>JSB</i>	<i>Journal of British Studies</i>
Loc.	Locelli collection, DCM
MC	Miscellaneous Charters, DCM
TNA	The National Archives
<i>NH</i>	<i>Northern History</i>
Pap.	Papalia deeds, DCM

Pont.	Pontificalia deeds, DCM
<i>P&amp;P</i>	<i>Past &amp; Present</i>
Reg.	Regalia deeds, DCM
Reg. I - III	Registers I – III, DCM
<i>RPD</i>	<i>Registrum Palatinum Dunelmense</i>
Sac.	Sacristaria deeds
Spec.	Specalia deeds
SS	<i>Surtees Society</i>
<i>Surtees, I - IV</i>	<i>Surtees, R, The History and Antiquities of the County Palatine of Durham, Vols. I - IV</i>

## Introduction.

The chronological bounds of this thesis are set by events in Scottish, rather than English, history. The death of Alexander III in 1286 set in motion a train of events which led to the outbreak of a lengthy period of intermittent war with England. The invasion of the north of England by David II in 1346 culminated in his defeat at Neville's Cross, an event which decisively concluded this phase of the Anglo-Scottish war. The full significance of these dates for this thesis is, however, defined less by these events than by the social, political and economic developments taking place in England in this sixty year period. One of the most important themes witnessed in this period was a series of structural changes in the composition and hierarchical organisation of the gentry throughout England. These social changes were compounded further by the existence of peculiar social and political conditions in the north of England, making the area distinct from the rest of the realm. The implications of the continuing hostilities with Scotland were perhaps the single most important aspect in this society. However, County Durham was itself unique because it was a palatinate. Palatine status set Durham apart from the various franchises and liberties which existed in the north of England in this period; such lands invariably lay under the jurisdiction of a significant local lord who had been granted widespread powers over judicial and financial matters within its borders. In Durham, however, the symbol of authority was the bishop of Durham himself, a position unique for an ecclesiastical figure in England. Furthermore, the prerogatives of the bishop of Durham were far wider than those of any lay-lord in the north. Such conditions made Durham distinctive not only in England, but also within the north itself; in effect, the number of criteria which could motivate social development in Durham seems greater than in any other area of England. No single study has yet attempted to fully trace the implications of such changes and their effect on the composition of the gentry in Durham in the early fourteenth century.

# 1. The Changing Position, and Definition, of the Gentry.

It is necessary, first, to outline some of the overall structural changes observed taking place in this period to the group termed by historians 'the gentry' in England, and, second, to attempt a definition of what this term means when talking specifically of 'the Durham gentry'.

## I

Two processes were at work in the class of men we understand to be 'the gentry'. In terms of overall social delineation, the nobility and gentry were becoming distinct from each other in terms that the former were becoming defined as the parliamentary peerage. This process subsequently made the gentry distinct as a different social unit, a process that has already been well illustrated.<sup>1</sup>

Although this process is important to consider, it is the second development which is of much more relevance to this study. A transformation was taking place within the gentry itself; it appears that a clear hierarchy was forming within this class. At the top of this hierarchy sat the knights of the county, usually the greater landowners and leading military figures of the area (although these two criteria did not, admittedly, always go hand in hand). It was often difficult to draw distinctions between the knights and the lesser nobility, which in itself makes it difficult to judge where in the social consciousness of English society the ranks of the nobility can be said to have ended and those of the gentry to have begun. In many respects, the term 'gentry' is something of a misnomer, albeit a very convenient one, as it is more accurate to speak of such men in more specific terms, such as banneret, knight and esquire. Nigel Saul has persuasively



argued that one should not assume that the military hierarchy which was often denoted by these labels necessarily denoted the same hierarchy and influence in social terms, but in spite of this sensible assertion, much of his work leans towards the conclusion that there was a close correlation between the two.<sup>2</sup> Nevertheless, the kind and type of people whom contemporaries understood to be represented by each of these terms were also changing; for example, the fact that knights were now rarely the holders of a full knight's fee had created distinctions within the knightly class based on economic terms and wealth rather than social status. As Peter Coss has recently demonstrated, such social gradation in English society was useful as it provided a necessary 'element of cohesion between the higher nobility and local society'.<sup>3</sup> In social terms, it was common to describe those not ranked of knightly status as esquires, i.e., as men whose position was often characterised by less income or military experience than their knightly compatriots. In military terms, such men often included those who were of the status of a knight in all but the possession of an actual knighthood.

There was definitely a contemporary attempt to define and classify the status of these ranks within the knightly, or barely knightly, classes. This can be witnessed as early as 1297, when the sheriffs of the country were ordered to return to the king the names of all those landholders who held lands of a value of £20 or above, a varied list which included a large number of non-knightly men; this inquest stood apart from others in the thirteenth century because it was based strictly on the assessment of income rather than on social status.<sup>4</sup> After 1300, classification was witnessed amongst those lesser landowners who were below the rank of the knight, or even esquire, but who can still be considered part of the overall 'gentry' through their landed wealth, position as landlords

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<sup>1</sup> For example, see K.B. McFarlane, *The Nobility of England in the Later Middle Ages*, Oxford, 1997, pp. 268-78

<sup>2</sup> N Saul, *Knights and Esquires: The Gloucestershire Gentry in the Fourteenth Century*, Oxford, 1981, pp. 6-7, 30. I am indebted to pp. 4 -35 of this work for much what follows in this section, apart from where other work is indicated.

<sup>3</sup> P.R. Coss, *The Origins of the English Gentry*, Cambridge, 2003, pp. 216-17

and local influence. Saul argued that the rise of a graded parliamentary peerage influenced this process taking place within the gentry, a process which was in part directed by the Crown. A graduated poll tax of 1379 reflected how social distinction had become much more complex; the tax level was set at 20s. for knights and esquires of a knightly status, at 6s. 8d. for esquires of lesser estates, and at 3s. 4d. for esquires in service but who held neither chattels nor revenues from rents.<sup>5</sup> Practical application of such terms in everyday business led to their assumption of significance in the eyes of the Crown and royal administration, and in the self-consciousness of the gentry class itself; these ranks meant something.

It is difficult to trace this classification as precisely as is desirable. The government also applied the term *armigeri* to the same type of men, and although this was often used synonymously with esquire, it was also a convenient label for all those laymen below the rank of knight; Coss has demonstrated that it could as commonly be as interchangeable with the term *valleti*, who were commonly defined as the landless men at the bottom end of the social scale.<sup>6</sup> The income of the *armigeri* could vary greatly between from as much as £100 per annum to as little as £5. Beyond the subservient military position still associated with ranks such as esquire in the late thirteenth century, these men proved themselves to be of great use as local administrators and office holders and the collectors of lay subsidies in the fourteenth century; they became 'the rising ministerial class on whom an assertive monarchy depended.'<sup>7</sup> They occupied a position between the regular esquires and the *valletus*; their right to bear arms gave them more social pre-eminence over the *valletus*, whilst still keeping them distinct from the knights. The property requirement for men-at-arms, who *de facto* comprised the knights and esquires, had risen from £15 in 1324 to £25 in 1345, by which point many

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<sup>4</sup> *ibid.*, p. 218

<sup>5</sup> Saul, *Knights and Esquires*, pp. 16-19

<sup>6</sup> Coss, *Origins*, pp. 218, 228

esquires equalled the knights in terms of their local influence and wealth. Although this allowed large numbers of the gentry to aspire to this class division, property values were still high enough to keep the landless *valletus* from this class. Indeed, in the thirteenth-century, this term was commonly used by the crown to prick at the egos of those of knightly status who were avoiding knighthood, and later in the fourteenth century it was still in common usage for those of non-knightly, or servile, status.<sup>8</sup> Therefore, although there was a conscious effort to reclassify the gentry in terms of income rather than rank, a process which still had some way to go, the irony was that social position within the class was also becoming much more consciously promoted and jealously maintained.

It should also be noted that the conscious promotion of self-image by the gentry can be seen on a variety of levels, not simply through the immediate landed or financial standing of a family, but through criteria such as family history or burial, both of which encouraged men to elevate the position of their families.<sup>9</sup> The economic conditions of the fourteenth century also favoured cultivation of a higher social position because the price of land did not rise as rapidly as the incomes of those knights and esquires employed in royal service, or the wealthy merchants, who were able to acquire lands often at the expense of greater lords. Such economic and social criteria ensured that by the end of the century, the ranks of society below the nobility were much more firmly defined as knight, esquire and valet.<sup>10</sup>

Whilst it is important to note that this process of classification was at work during the period of this thesis, it is also necessary to point-out that there was a considerable flexibility in how such terms were applied and what they meant in practical terms, if

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<sup>7</sup> Coss, *Origins*, p. 219; N. Saul, *Death, Art and Memory in Medieval England: The Cobham family and their monuments, 1300-1500*, Oxford, 2001, p. 15

<sup>8</sup> Coss, *Origins*, p. 227

<sup>9</sup> Nigel Saul has recently discussed how gentry families defined their image on many different cultural levels; the specific example with which he deals is the monuments and effigies of the Cobham family and how this family depicted their pre-eminence and their role in society in death. Such depictions reflect the self conscious image which a knightly family possessed, and its attempt to define itself as an entity distinct from both the nobility and lower gentry. Saul, *Death, Art and Memory*, p. 15

<sup>10</sup> Saul, *Knights and Esquires*, p. 29

anything at all. The men referred to by terms such as 'knight', 'esquire' or '*armigeri*' could all belong to the class historians now call 'the gentry' depending on their individual incomes, landed status, or how their social betters and the Crown chose to refer to them. Such developments in classification were significant social forces in the late thirteenth and early fourteenth centuries, their impetus accelerated by the military administration necessitated by the wars of Edward I and Edward III. Nevertheless, such broad changes in the pattern of the gentry class across England must be qualified, first, by a clearer sense of how to classify this group of people in the Palatinate of Durham itself, and, further, by more specific forces at work within the society of northern England, and within Anglo-Scottish relations.

## II

Despite the developments in classification noted above, an unshakably firm definition of the 'gentry' appears elusive, if not impossible to achieve. In most cases, it remains something which the historian recognises when he or she 'sees it'. Nevertheless, it is impossible to proceed without establishing, for the purposes of this study, some kind of working definition. One of the most workable definitions has been provided by David Carpenter, who defined a typical member of the gentry class as 'a lord of one or few manors; frequently a knight...[or]...a man busy in local government'.<sup>11</sup> This remit certainly leaves the ranks of the gentry fairly wide and it seems likely that they were considered so widely during the period of this thesis. Indeed, Peter Coss, when discussing the development of legislation which defined those ranks of society perceived to be 'gentle', noted that when an act of 1363 defined esquires as part of the gentry class, it was referring to a class of men who had already been 'regarded as gentle

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<sup>11</sup> D.A. Carpenter, 'Was there a crisis of the knightly class in the thirteenth century?', *EHR*, 1980, p. 722



for some time'.<sup>12</sup> It is clear from further evidence presented by Coss that the term 'some time' refers to at least as far back the early thirteenth century, when gentility appears to have been associated with household service and explicitly extended to men of non-knighted status; nevertheless, he also notes how local perception blurs our attempts at definition through an instance in 1204 where a member of the Somerset 'gentry' claimed that he and his male kin were considered gentle 'within their locality', leaving their status outside it distinctly unclear.<sup>13</sup> Such evidence suggests that concepts of social status and gradation are, ironically, unhelpful in the process of definition.

The answer may, therefore, lie in returning to Carpenter's definition based on land and office holding. Combined with evidence such as graded tax levels and property qualifications for holding office in local society, this could supply a valuable method of definition. However, there are practical limitations involved here, especially when such an approach is specifically applied to the conditions within Durham. Aside from the whole range of personal considerations which influenced why men held office, or the varied range of offices and their status, it was also the case that highly prominent families from within the Durham family, such as the Conyers, whose landed position and social status unarguably place them within the highest echelons of the 'Durham gentry', were entirely aloof from office-holding within the palatinate for reasons which are now unfathomable.<sup>14</sup> Furthermore, when income levels are considered, it becomes very difficult, in many cases, to establish the income of many families due to the variety of sources of income available, and the lack of surviving evidence concerning the value of land and the level of income derived.

These limitations consequently force the historian to 'construct' his or her own definition, and Coss has recently highlighted some of the methods taken; these include taking a wide remit which embraces several factors in its definition, or making a

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<sup>12</sup> Coss, *Origins*, p. 3

<sup>13</sup> *Ibid.*, pp. 3-4

relative, and thus far more subjective, judgement of who appears to play a larger role in society.<sup>15</sup> Both of these approaches have merit as working definitions, although it is Coss's view that a definition of the 'gentry' should focus more on the characteristics of the class and what distinguishes the gentry as a 'social formation' rather than a delineation of where it can be said to 'start' or 'end'.<sup>16</sup> Such an approach would also explain why it is easier to say that a family or individual is a member of the gentry class, than it is easier to define that class. Coss identifies several *characteristics* of the gentry class as a 'social formation'.<sup>17</sup> The first, and most obvious, is that the gentry are a form of the lesser nobility and cannot be 'defined' in any sense without a recognition of the class above, and that they share with this class a sense of their social separation from the rest of the population. The second is that the class is based on land and landownership, although it also encompasses other types of property, including urban property, which allows an influx of professionals. The other characteristics, Coss argues, are based on 'territoriality'. The gentry are a 'territorial elite' who transcend the status derived from landholding or personal associations. This is expressed: firstly, through a sense of collective 'identity', or as Coss puts it, 'there is a natural tendency for landowners and other locally significant men to develop ties of association with others of similar station notwithstanding any vertical relationship they may have with territorial magnates or with a distant authority'<sup>18</sup> and such ties of association, whether they are expressed through formal assemblies, denote an ability of collective self-expression which must define the gentry; secondly, through differences in wealth which

<sup>14</sup> For further discussion, see chapter 4 above, pp. 157-59

<sup>15</sup> As an example of the former, Coss cites the work of Susan Wright in her fifteenth-century study of the Derbyshire gentry, whom she defined widely as all who were knights, or those distrained to knighthood, served as a sheriff, justice of the peace, commissioner of array, escheator or collector, and all those recorded as tenants-in-chief, or having an income of £5 or more, S.M., *The Derbyshire Gentry in the Fifteenth Century*, Chesterfield, 1983, p. 4. An example of the latter is Payling, whose Nottinghamshire study created a tier of 'greater gentry' whom he identified as dominating business in the county, S.J. Payling, *Political Society in Lancastrian England: The Greater Gentry of Nottinghamshire*, Oxford, 1991, ch. 1 and *passim*. Coss, *Origins*, pp. 6-7.

<sup>16</sup> Coss, *Origins*, p. 9

<sup>17</sup> The following drawn from Coss, *Origins*, pp. 9-11

become translated into social gradation, which must be expected within the gentry; thirdly, through resilience to the influence of public office, Coss proposing that whilst central government may try to define hierarchy through promotion of public office, it is usually required to draw from a local elite (the gentry) which is already defined and 'whose stake in society is anterior to the holding of office'; and, finally, through the aim and ability to 'exercise social control over the populace on a territorial basis, reinforcing individual status power', hence the reason that those who act as justices of the peace are important figures within gentry studies. Coss rounds up his definition with the following assertion:

When, then, can we speak of the existence of a gentry and when can we not?...the English gentry was formed in an accelerated process from the middle decades of the thirteenth century to the mid-fourteenth. By the middle of the fourteenth century a recognisable gentry was in existence.<sup>19</sup>

Whilst mindful of the debate which Coss acknowledges concerning the origins of the gentry, it is, at the very least, possible to say that the gentry were in an extraordinarily significant period of development within the period of this thesis. It is also possible, indeed eminent sensible, to apply the description of characteristics which he supplies, in addition to Carpenter's working definition, which, in my opinion, is expanded rather than contradicted by the former, to an attempt to define the 'Durham gentry'.

One of the most striking points that makes Coss's definition of the gentry applicable to their experience within Durham is the issue of 'identity'. There is the much bandied concept of the 'Haliwerfolk' and their highly-prized distinctiveness under the banner of St. Cuthbert, and whilst this was arguably maintained by the men of the palatinate as much for the sake of convenience or gain, rather than real conviction, the fact remains that Durham was the most comprehensive of English liberties; its administrative

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<sup>18</sup> Coss, *Origins*, p. 9

separation could easily have heightened the sense of collective identity within its boundaries and within its gentry society. Furthermore, it is clear that there are men who can clearly be defined as members of the gentry by several of the criteria he suggests, such as Sir Guichard de Charron, the subject of a detailed case-study of this thesis, whose position as a gentry-man of the palatinate can be defined not only by the possession of a knighthood and estate, but also: interests and income based on urban sources; ties of association with men of similar status which operated independently of vertical hierarchy, in addition to witness list evidence which reflects his position within a scheme of social gradation; and a role within that society as a justice and councillor of the bishop which would have provided him with an element of social control over that society. Aside from those members of Durham society whose inclusion within the gentry class is plainly obvious through either title or property, the identification of others associated with men such as him defines a cumulative process by which it is possible to identify and define a list of those who can be considered members of that class.

The incomplete nature of inquisitional evidence makes it difficult to suggest the size of the Durham gentry in the period before c.1310, from which date the evidence is more abundant. However, it is possible to draw some conclusions through the assumption that those who died from 1310 onwards were alive and active in the twenty year period before their death. Use of *inquisitions post mortem* proves that the Durham gentry in the period up to c.1350 were composed of at least 50 families at any one time and suggests that it may even have climbed to 60. The evidence which supports this argument is discussed in greater detail in chapter 4 below, however, it can definitely be said that a below average rate of familial extinction, in addition to healthy number of families bettering their fortunes, gives the group an incredibly stable characteristic.<sup>20</sup>

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<sup>19</sup> Coss, *Origins*, p. 11

<sup>20</sup> See chapter 4 below, pp. 201-07



At the top of what one might call the 'social pyramid' there exists a group of roughly ten to twelve families, led, in terms of territorial dominance, by a group of five barons of the bishopric: the Nevilles, Conyers, Greystokes, Hiltons and Lumleys. Of this group, the Nevilles are the obvious leading element, being of well documented magnate status both within and without the palatinate.<sup>21</sup> During the period of this study, this group is joined by a further seven knightly families: the Farnacres, Birtleys, Menvills, Claxtons, Grays, Surtees and Eures. This group of twelve most prominent families should rightly be joined by the Marmadukes, but for reasons explained elsewhere, they are excluded from this calculation.<sup>22</sup> A couple of immediate points must be made about these families before proceeding: first, that all these families were either stable, or increasing, in their fortunes up to c. 1350; and, second, that they had varying degrees of interests held outside the palatinate. Some families, both knightly and baronial were restricted, often by their own design, to the boundaries of the palatinate; this includes the Conyers, the Farnacres, Claxtons and Birtleys. Others had only smaller interests outside the palatinate, such as the Menvills who, despite the retention of some minor rents in Northamptonshire, had given up their more sizeable interests in Northumberland to consciously cultivate estates in Durham through the favour of greater lords.<sup>23</sup> The majority, however, were possessed of at least another, if not several, manors outside the bounds of the palatinate, a list which includes not only the Nevilles and the Greystokes,

<sup>21</sup> Further discussion of the Neville family can be found in chapter 4 below, p. 184-200. Also, for the general career, landed interests and role of the family in England, there is no better authority than C.R. Young's, *The Making of the Neville Family, 1166-1400*, Woodbridge, 1996.

<sup>22</sup> See chapter 4, pp. 203. Also absent from this group is the family of Guichard de Charron, for whom an *IPM* has not survived. Furthermore, Charron has, for reasons best explained in the following case study, more the feel of a 'northern' than a 'Durham' gentryman. See following case study, *passim*.

<sup>23</sup> *CIPM*, Vol. V, p. 121

the latter of which originated from a Cumbrian barony, but the Eures, Lumleys, Grays, Hiltons and Surtees.<sup>24</sup> Nevertheless, these circumstances did not preclude all but the Nevilles and Greystokes, from apparently favouring their Durham interests at the exclusion of tangible careers elsewhere. A final point which can be made about this group of twelve is that all possessed between 3 to 5 manors in the palatinate itself, with only the Hiltons and Nevilles exceeding that total.

Below this group, there can be identified at least 20 more families who can be identified as being of gentry status through one of three criteria: knighthood; office-holding; or possessing one or more manors. These 20 are specifically collated together because they are all mentioned in at least two, if not several, *IPMs*, which demonstrate their consistency throughout the period. One of the group, a cousin of the knightly Birtleys possessed three manors within the palatinate, whilst another 8 held two manors and the remaining 9 held only a single full manor. In the period up to c.1350, only one of these families suffered from extinction, due to the lack of a male heir, and there is no evidence that any of these families suffer from a decline of fortune. This group of 20 should rightly be enlarged to 35 families by the addition of a further 15 gentry families who can be traced through a single *IPM*. All but two of these families held single manors, and five died out in the male line during the period; this higher extinction rate, coupled with the existence of single *IPMs* may suggest that this group had less certain fortunes, although this is no more than a supposition in the absence of

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<sup>24</sup> For example, aside from their manor of Conniscliff in Durham, the Greystokes were tenants in chief of the king for their barony of Greystoke in Cumberland as well as Dufton in Westmorland, and the manors of Ulgham, Morpeth, Shilvington, Walker and Clifton in Northumberland, *CIPM*: Vol. IV, pp. 245-6; VI, p. 306. They also held the manors of Crosthwaite, Grimthorp, Hilderskelf and Thorp Basset in Yorkshire, *CIPM*: Vol. IV p.440; VI, pp. 304-5. In addition to their own Durham holdings, the Eures also possessed the manors of Higham, Kirkley, Linmouth, and Calverdon Darreins in Northumberland, *CIPM*: Vol. V, p. 407; Vol. VI, p. 207; Vol. VI, p. 471; Vol. VIII, p. 397-8. The Lumleys' lands outside the palatinate comprised minor lands in West Chivington, held of the knight for two parts of a knight's fee, and lands held of the Umfravilles in Redesdale, *CIPM*, Vol. III, p. 348. The Hiltons held Shilbottle from the Vescy's for 2 knights' fees and 26s. and 8d. per annum, *CIPM*, Vol. II, p. 447. Finally, the Surtees were also tenants of the king by service of 2 parts of a knights' fee for their manor of North Gosforth in Northumberland, *CIPM*, Vol. II, p. 194

more tangible evidence. This leaves one with a group of 47 clearly identifiable gentry families active in the period of this study. Nevertheless, the group was clearly larger, as can be demonstrated through the addition of families who can be traced through IPMs of subsequent years; an analysis of the evidence for the twenty year period after 1350 reveals another 16 families possessing either one or two manors with IPMs between 1350 and 1362, who were clearly active in the latter years of period of this thesis, indicating a total of 63 identifiable gentry families.

These figures can be summarised in two clear conclusions about the composition of the gentry: first, that there are 63 clearly identifiable gentry families in this period, of which 7 become extinct during the period, making it feasible to suggest that at any given time during the period of this thesis, there were roughly 50 to 60 gentry families in existence in the palatinate; second, that the 'gentry class' can be broadly categorised in three tiers as shown here –

**Table 1. Social composition of the Durham gentry.**

<b>Gentry Tier</b>	<b>Number</b>	<b>Percentage of total</b>
Baronial	5	8%
Knightly	7	11%
Non-knighted gentry	51	81%

Thirdly, this broad division can also be subdivided to show a more equal pattern when one considered how many manors each family held:

**Table 2. Material composition of the Durham gentry.**

Number of manors	Number of families	Percentage of total
Over 5 manors/baronies	2	3%
3 to 5 manors (inclusive)	11	18%
2 manors	12	19%
1 manor	38	60%

When quantified in this manner, the Durham gentry appear far less ‘bottom-heavy’ in their composition, and there is much more of a sense of gradation, rather than huge gaps of wealth, especially if one was to exclude the top two families, the Nevilles and Greystokes, from the equation. The moderately high level of those possessing single manors is exactly what should be expected of the dominance of the group at the bottom of any social gradation, and this makes the Durham gentry appear roughly typical of the rest of the country. Nevertheless, there is one final conclusion which can be made that marks the group aside from national trends and this is, fourthly, their very low death rate: all 7 families who become extinct occur within the non-knighted gentry, and 6 of these within the group of those families who can be traced in only one *IPM* and may represent those with lower material fortunes. Overall, the Durham gentry are remarkable stable across the period, with a survival rate, of 90%, which is well above the national average.<sup>25</sup> Such extraordinary material stability, in addition to the general lack of identifiable interests outside the palatinate would appear to suggest, on face-value, an incredibly strong, cohesive, and inward-looking group possessed of the specifically self-conscious ‘identity’ suggested by Coss.<sup>26</sup> Nevertheless, the ‘truth’, or otherwise, of such a conclusion can only be ascertained by setting this group within the historical context which defines the period of this thesis, before posing the specific questions to be tested.

<sup>25</sup> The comparison to national figures, as well as a fuller analysis, can be found in chapter 4, pp. 201-07

## III

Just as the sudden death in March 1286 of Alexander III of Scotland could not have been anticipated, neither could the train of events which it spawned, nor their widespread political and social implications for both the Scottish and the English realms. Anglo-Scottish relations had been remarkably peaceful in the thirteenth century largely due to the territorial agreement enshrined in the Treaty of York of 1237 and the marriage of the heir of the Scottish king, Alexander II, to Margaret, daughter of the English king, Henry III, in 1249.<sup>27</sup> These two factors led to the cultivation of a peaceful atmosphere in the border areas of both realms. By the time of Alexander III's death in 1286, northern England and southern Scotland had truly become 'a world in which peace had become the norm and neither government wanted or expected war.'<sup>28</sup>

This peaceful political situation had helped to foster a remarkable degree of social integration between the two realms. What had effectively come into existence was an 'Anglo-Scottish' society, elaborately interwoven through ties of marriage and inheritance which had fostered the development of families of the nobility and gentry who held landed estates which traversed the border; this is demonstrated in the fact that between 1200 and 1296, one in three English earldoms and one in five English baronies were held by men with Scottish estates.<sup>29</sup> The border, although established in the eleventh century, was little more than a political and administrative frontier between

<sup>26</sup> See above, pp. 12-13

<sup>27</sup> The treaty witnessed the formal surrender of Scottish claims to the honour of Tynedale in Northumberland and the manor of Penrith in Cumberland.

<sup>28</sup> K. Stringer, 'Scottish Foundations: Thirteenth-Century Perspectives', *Uniting the Kingdom? The Making of British History*, A. Grant and K.J. Stringer eds., London, 1995, p. 86

<sup>29</sup> *Ibid.*, p. 87



people living in a region which was 'socially, linguistically, and culturally homogeneous'.<sup>30</sup>

This integration can be witnessed on a number of levels. It was especially evident in terms of ecclesiastical administration and thought. In mid thirteenth century, no less than five Englishmen held bishoprics in Scotland, namely those of Aberdeen, Dunblane, Glasgow and the Isles; the same trend was evident in reverse in northern England, where a native Scotsman, Robert Stichill, was elected bishop of Durham in 1261 without royal protest.<sup>31</sup> Furthermore, Coldingham Priory in Berwickshire in Scotland was a daughter house of the Priory of Durham and Jedburgh Abbey in Northumberland held estates in both realms. Devotion to the cult of St. Cuthbert at Durham was as strong in the border areas of Scotland as it was in Northumberland and Durham, with arguably an equal number among the laity of southern Scotland devoted to Durham as their ecclesiastical capital as those who were devoted to St. Andrews.<sup>32</sup>

One of the major factors instrumental in this integration was the fact that, across all social levels, the people of the region had a shared ancestry; leading families of the nobility on both sides of the border in this period, such as the Gospatric earls of Dunbar or the Umfraville earls of Angus, were descended from the families of the old Northumbrian kingdom and could be considered major political figures in both England and Scotland. Other significant cross-border families included the Balliols, who alongside considerable estates in Galloway, had built up a large concentration of land at Barnard Castle in Durham.<sup>33</sup> This is not to suggest that some kind of distinction between those who were considered to be 'Scottish' and to be 'English' did not take place; it did, and men would often identify their careers and major political and social interests with one realm rather than the other, but "before protracted war inflamed

<sup>30</sup> J.A. Tuck, 'Northumbrian society in the fourteenth century, *NH*, 1971, p. 22

<sup>31</sup> Stringer, 'Scottish Foundations: Thirteenth-Century...', p. 88

<sup>32</sup> Tuck, 'Northumbrian society...', p. 23

<sup>33</sup> *ibid.*, and M.C. Prestwich, *Edward I*, 1988, p. 357

national differences, it was almost taken for granted that individuals could regard themselves as loyal subjects of each king, move freely in both societies, and generally benefit from their experiences.”<sup>34</sup> Furthermore, distance from the courts of both kings led to the development of a body of marcher law and common procedure to deal with local disputes between those living in the border area, specific to the conditions of the north and designed to deal with matters which could potentially lead to hostilities.

The distinctiveness of the close relationship between northern England and southern Scotland was heightened further by the social disparity evident between the north and the south of England. Anglo-Scottish society was very much internalised; northern lords often held little land further south than Yorkshire or Lincolnshire and only a handful of English lords based in the south held considerable lands in the north. Consequently, the society of northern England and southern Scotland had a far different outlook from their fellow countrymen. They often identified more with their neighbours and compatriots in this internalised society, be they English or Scottish, rather than with their fellow countrymen hundreds of miles away in Westminster or Edinburgh. It was a society where peaceful co-existence was not only desirable but necessary and where conflict of allegiance did not exist; until, that is, the wars of Edward I.<sup>35</sup>

### III

The implications of the Anglo-Scottish conflict, which erupted into open warfare in 1296, were immense for northern society, which was simply not equipped to deal with the consequences of warfare on a semi-permanent basis. The existence of warfare demanded a declaration of allegiance and thus made it impossible for northern lords to maintain a cross border position after 1296. In April of that year, orders were issued to

<sup>34</sup> Stringer, ‘Scottish Foundations: Thirteenth-Century...’, pp. 88-9

<sup>35</sup> Tuck, ‘Northumbrian society...’, p. 24

arrest all Scots in England and the sheriff of Northumberland was instructed to draw up lists of all landowners who could be considered 'Scottish', most of whom were descended from established Northumbrian families who had intermarried with the Scots. This made their position all the more awkward as 'personal ties between families on either side of the Border which before would have had no political consequence now compelled choice between the two sides.'<sup>36</sup>

The most immediate effect of this was on the pattern of landholding; Scottish lords found their English possessions forfeited by the Crown, and vice versa, in all but the most immediate border area.<sup>37</sup> The dilemma facing such lords was which side to declare allegiance to, as to pick the losing side would undoubtedly herald disaster. Even for those on the winning side, there was no security; families with extensive Scottish possessions and honours, such as the Umfraville earls of Angus, who flocked to Edward I's banner, found their position in the fourteenth century under the rule of his son very far-removed. After the reverses of the English position witnessed in this period, they suffered the loss of their estates and titles in all but name and were forced to join the ever swelling ranks of the so-called 'disinherited', and discontented, Anglo-Scottish nobles rattling around the north of England, desperate to regain lost lands and wealth. Furthermore, a large number of English landowners identified with the Scottish cause due to the extent of their Scottish estates.<sup>38</sup> In effect, the bonds which had held this society together peacefully over the course of the last century were now unravelling.

This plunged northern England into uncertainty, especially in terms of landholding. Lordship was disrupted as estates were stripped from one family and reallocated to new lords who often were either absentees or simply incapable of providing for their defence. Even those indigenous families whose tenure was not threatened could still

<sup>36</sup> Tuck, 'Northumbrian society...', p. 25

<sup>37</sup> A. Grant, 'Scottish Foundations: Late Medieval Contributions,' *Uniting the Kingdom?: The Making of British History*, A. Grant and K. Stringer eds., London, 1995, p. 102

<sup>38</sup> Tuck, 'Northumbrian society...', p. 26



find it difficult to maintain effective lordship; the Roos family, for example, found it impossible to maintain their control of Wark in the face of external warfare and internal division and surrendered their interest in the estate in 1317. Under these circumstances, men had to provide for their own safety as best they could, often with scant respect for law, especially within the border county of Northumberland, which was obviously most keenly affected.<sup>39</sup>

In terms of the effect of this upon Durham, the rebellion of Sir Gilbert de Middleton in 1317 can arguably be seen as an example of this breakdown. Middleton had been conducting a series of raids within Durham and Northumberland in conjunction with Sir Walter Selby. Their criminal activities culminated in the seizure of the recently elected Bishop of Durham, Louis de Beaumont, as he travelled to the city. Nevertheless, such 'banditry' can be seen more as a reflection of the social tension in the north of England in the period and the desire to return to a more peaceful and settled period of life. Many of Middleton's supporters were, admittedly, 'opportunistic ruffians', but many were also from gentry families of some substance and integrity, such as Sir John Lilburn and Sir John Eure, both prominent landholders in Durham and Northumberland. Such a view has been proposed by Lomas, who argued that such seemingly upstanding men were driven by increasing desperation, especially after the heavy defeat of the English at the battle of Bannockburn, for a return to a more settled society.<sup>40</sup> Nevertheless, the suggestion that the palatinate arguably escaped the brunt of the effects of warfare and Scottish raiding suggests that Lomas's *apologia* can be accepted only to a point.

The problem, however, lay not only in the social fracture which hostilities with Scotland had precipitated, but in the continuing instability which existed between major engagements in these hostilities. This was due to continual, unofficial, raiding by both the Scots and the English. The extent of the breakdown of effective lordship in northern

<sup>39</sup> *ibid.*, pp. 27-9; R. Lomas, *North East England in the Middle Ages*, Edinburgh, 1992, pp. 64-5

<sup>40</sup> Lomas, p. 57; Tuck, 'Northumbrian society...', pp. 30-1

England, and the severity of the long term economic implications of Scottish raiding, have been a source of much debate, although it can definitely be said that between 1311 and 1323, northern England suffered one of the worst periods of Scottish raiding ever experienced.<sup>41</sup> Although most raiders appear to have favoured the more populated arable areas within Northumberland, and few raids managed to reach further south than Durham into Yorkshire, a single determined raid was certainly capable of destroying the average estate of a typical gentry man, such as Sir Gilbert Middleton and his estate of one hundred and thirty-two acres, a handful of cottages, a mill and a coal mine was one such estate. This lends credence to the idea that the motive for his lawlessness 'was probably anxiety about economic security and the social status that went with it,'<sup>42</sup> especially in a period in which, as has already been seen, awareness of social rank was increasingly heightened.<sup>43</sup>

Indeed, there is much evidence to suggest that a general decline of wealth took place within the north. The receipts of corn tithes from the villis of Norham and Holy Island, both of which were within the diocese of the bishop of Durham, reflect a fall in land and property value at the height of Robert Bruce's raids, declining from £217 16s. 8d. in 1300-1 to £2 in 1318-19, and yielding nothing at all in the next year. They had recovered their position somewhat by 1330, yielding just over £100 in 1329-30, a figure which they largely maintained thereafter, reaching, at their highest point in the period in question, £186 2s. 8d. in 1338-39. However, this figure was the exception rather than the rule and represents only 86% of the 1300 level. In the town parishes of Durham, the corn tithe figures demonstrate a similar, if less dramatic trend, falling steadily from £126 13s. 4d. in 1307-8 to £61 13s. 4d. by 1342/3, or approximately 49% of the 1307-8 level.<sup>44</sup>

<sup>41</sup> J.A.Tuck, 'War and Society in the Medieval North', *NH*, 1985, p. 35

<sup>42</sup> Lomas, p. 57

<sup>43</sup> See above, pp. 6-9

<sup>44</sup> Lomas, pp. 58-61

The Durham figures mirrored trends evident in Northumbrian society, and as Durham was arguably less affected by Scottish raiding, this suggests that there were other factors at work in this economic contraction than simply the effects of warfare. Indeed, changes in the pattern of farming were evident, such as a move away from cereal production in favour of pastoral farming, probably due to the fact that sheep and cattle were easier to move out of the path of Scottish and English raiders than were crops and buildings; the monks of Durham wisely kept their herds well out of the way on Spennymoor.<sup>45</sup> There is also evidence of a general agrarian crisis independent of the raiding. A series of poor harvests and cattle disease hit northern England in the later 1310s; these claimed huge amounts of crops and livestock and support the view that Scottish raiding was only one factor in the economic downturn experienced in Durham and Northumberland in the early fourteenth century.<sup>46</sup> Nevertheless, although the figures cited reflect the fact that the rural economy revived, they never recovered their pre-war levels, and Tuck's suggestion that there was actually little long term damage to the northern economy must be treated with scepticism.<sup>47</sup>

#### IV

Although it is convenient to refer to Northumberland and Durham when talking of the effects of the war on northern society, it is also necessary to take account of the conditions peculiar to Durham, and how these shape an assessment of the effects of the war within Durham. The most prominent writer on the palatinate was G.T. Lapsley, who composed a detailed administrative treatment of the area at the turn of the penultimate century. It was Lapsley's argument that the palatinate's differences were rooted in its similarities, or, in his own words, that 'the community of Durham had the

<sup>45</sup> *ibid.*; Tuck, 'War and Society...', p. 36

<sup>46</sup> Tuck, 'War and Society...', p. 38

same social and economic requirements and dangers as the rest of the kingdom; accordingly there developed in the county a group of institutions reproducing all the essential characteristics of the central government...The palatinate of Durham was in its nature a microcosm of the kingdom, although lacking the capacity to develop a strong central government because of the substitution of an elective mitre for an hereditary crown.<sup>48</sup> However, Lapsley's assertion that the social and economic requirements were the same as in the rest of the country cannot be borne out. Even accepting that Durham was an administrative 'microcosm' of the country as a whole, the very fact that the administrative situation in Durham was radically different from anywhere else in the north of England led to peculiar social, political and ecclesiastical conditions of their own.

In territorial terms, the palatine authority of the bishop extended between Tyne and Tees, from Sockburn to Newcastle, and within the far north border shires of Norham and Holy Island; it did not encompass Northumberland. The administration of the liberty<sup>49</sup> had several constituents. In part, it shared characteristics with the central government of the king; the bishop had his own chancery, as well as judicial and fiscal supremacy within the franchise. The king's writ did not run in this area and was reliant on the bishop for its implementation. A basic shire structure also existed within the liberty of Durham, which was composed of two shires, Durham and Sadberge. Each was appointed a sheriff, a position commonly held by one man, even though both shires retained separate administrative structures. A sheriff was not appointed for Norham and Holy Island, but it appears that the constable of Norham Castle transacted the judicial functions of a sheriff at a fortnightly meeting of his court. At the level below shire

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<sup>47</sup> *ibid.*, p. 42-3

<sup>48</sup> G.T. Lapsley, *The County Palatinate of Durham*, London, 1900, pp. 1-2

<sup>49</sup> This term will now be used in substitution for the term palatinate, which comprised the liberty of the bishopric of Durham. The bishopric proper encompassed the county of Northumberland also; but it is important to draw the distinction between episcopal and administrative authority, as the bishop of Durham had only the former within Northumberland.



structure, Durham was divided into administrative wards based on the major episcopal manor in each, namely Chester, Darlington, Easington and Stockton, the latter added after 1293 and encompassing the ward of Sadberge. Each ward had a coroner with his own staff, who was responsible for holding inquests and assisting the administration of the sheriff. Nevertheless, such clear patterns of administration were complicated by the existence of franchises within the liberty in the thirteenth and fourteenth centuries: the Balliol family, for example, had rights of responsibility over criminal jurisdiction within the ward of Sadberge, as did the prior of Durham on his estates; Robert de Brus had rights to a free market at Hartlepool, assizes of bread and ale, and customs from the port; Ranulph Neville had rights of free chase and warren at Brancepeth; John, Baron Greystoke, had the right of gallows, infangenetheof and the chattels of felons condemned in his court in his franchise of Coniscliffe, as well as rights of free warren; and Robert de Hilton, Guichard de Charron, John fitz Marmaduke, Henry de Lisle, Walter de Washington and John de Guildford all had rights of free warren in their lands.<sup>50</sup> Thus, although basic administration mirrored the standard structure of English shires, the existence of franchises within the liberty added a more complex dimension to it. The most unique of all the franchise holders was the bishop himself, whose position was unparalleled in England; from time 'immemorial' he possessed the right to appoint his own justices, to proceed on his own authority in royal manner in assizes, and to appoint officers who derived their authority ultimately from him rather than the king. Furthermore, as Fraser has illustrated, 'Without the bishop's sanction, tacit or expressed, royal officers or royal writs would not be obeyed in Durham except during a vacancy of the see, when the temporalities of the bishopric were taken automatically into the king's custody: and at such times the king maintained a separate administration

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<sup>50</sup> Cf. DCM Reg. II. ff. 124v-7, see also discussion in C.M. Fraser, *A History of Antony Bek*, Oxford, 1957, pp. 80-1

for the franchise to the point of a special seal for use in the business of the Durham chancery.<sup>51</sup>

Nevertheless, more recent work has suggested that the administrative independence of the palatinate has been exaggerated, and stressed the political limitations of the bishop in his relationship with the king. Jean Scammell, for example, has pointed out a number of the weaknesses in Lapsley's work, arguing that his fascination with the 'microcosm' theory meant 'that he forced its institutions into unrealistically formal patterns and, overvaluing Durham's theoretical claims, gave inadequate consideration to the practical strength of the monarchy, the importance of personalities and the pressure of expediency.'<sup>52</sup> Scammell also questioned the extent of the power of the bishop over the gentry families who comprised Durham society, and his level of influence amongst the northern barons, arguing that 'by 1300 it was hardly possible for the bishop to overawe his 'subjects' collectively; by 1400 he could not overawe many of them individually...[and]...the bishop of Durham's frequent appearance in the royal mandates shows him not as the strongest but as the most amenable of the northern magnates.'<sup>53</sup>

Scammell applied her theory to a reassessment of the position of the bishop's administration. Whilst accepting that the bishop's authority did supplant that of the king, her findings still demonstrated that 'the saying was more honoured in word than deed, since veneration for the saint and regard for the eminence of the holder, of the see encouraged a courtesy of language which was never allowed to hinder the king's will.'<sup>54</sup> In practical terms, therefore, it appears that the relationship between the bishop and the Crown was characterised by co-operation; in effect, the bishop did not attempt to exclude the writ of the king, but rather to monopolise the execution of it within his

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<sup>51</sup> *ibid.*, p. 82

<sup>52</sup> J. Scammell, 'The Origin and Limitations of the liberty of Durham', *EHR*, 1966, p. 449

<sup>53</sup> *ibid.*, p. 471

<sup>54</sup> *ibid.*, p. 456

liberty. It was more important to the bishop to be the sole exponent of the royal will in the bishopric and to exclude royal officials, such as the sheriff of Northumberland, who were ideally placed to dilute his power. Factors such as respect for the heritage of the palatinate and the cult of St. Cuthbert, as well as the social status of the bishop, and the sense of identity which existed amongst the Durham community, the so-called *Haliwerkfolk*, were more important in the maintenance of the bishop's prerogatives than any real notion that the bishop's position excluded the king. Ultimately, the bishop's office was elective; he was appointed as a royal agent, albeit a very prestigious one, and what the king gave, he could also take away.

A similar picture emerges in a reassessment of the judicial powers of the bishop. Although his court was technically the superior court in the liberty, its decisions could be modified or changed under pressure from the king, and the bishop could still be summoned to the king's court as a feudatory of the Crown to justify his decisions at the judicial level.<sup>55</sup> Scammell also highlighted the limitations of the judicial system in the thirteenth and fourteenth centuries. In 1208, for example, King John was required to step in to regularise the bishop's assizes with the normal assizes of the kingdom, at which time he also imposed limits on the rights of the bishop over the forest law. During the minority of Henry III, it was also proscribed that the bishop could not hear certain writs, such as writs of peace, until royal courts had defined the existence of his courts. Although this was impossible to enforce in practice, it still reflects that there were significant procedural limitations on the bishop. Furthermore, separation from the king's writ meant that, as time went by, the transaction of justice in the liberty became incomplete because the full range of judicial procedures which had developed in the rest of the realm had not filtered through to Durham. In 1320, Bishop Louis de Beaumont had to petition the king to request an expansion of his powers to hear all writs within the

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<sup>55</sup> *ibid.*, p. 457, 459

bishopric as he found it impossible to grant these without the king's consent and was thus unable to do proper justice to his subjects, who were forced to have recourse to justice through the Crown.<sup>56</sup> This is hardly the imposing picture of Durham administration presented by Lapsley.

Nevertheless, recent historiography has also suggested a considerable degree of social cohesion in the liberty of Durham. Scammell, for example, pointed out how the payment of protection money to the Scots in the early fourteenth century demonstrates this fact.<sup>57</sup> The machinery available for collection of clerical subsidies was more systematic than in the rest of the north due to the administrative structure that existed in Durham and the fact that it was vested in an ecclesiastical lord. This made it easier to rally the resources available in the bishopric. This was complemented between 1311 and 1318 by the efforts of the most influential lay lords in the palatinate, Sir Robert Neville, lord of Raby, and Sir Richard fitz Marmaduke, lord of Horden, who secured additional payments from the laity. It was also possible to deliver protection money using emissaries such as the monks of the priory of Durham, who were less likely to be victims of violent crime, although by no means immune. This meant that, bar a few accidents, the men of Durham were by and large able to insulate themselves from the worst effects of raids by raising huge sums of money.<sup>58</sup> Between 1311 and 1327, the Scots threatened Durham eight times, extracting between 800 and 1000 marks on each occasion. Consequently, although the palatinate suffered no substantial physical damage, it still handed over approximately one third of its annual income in this sixteen year period, a sum of between £4,200 and £5,400 in total.<sup>59</sup>

<sup>56</sup> *ibid.*, p. 460, 461, 462, 467-8

<sup>57</sup> Scammell, 'Origin and Limitations...' *passim*; 'Robert I and the North of England,' *EHR*, lxxiii (1958), pp. 385-403

<sup>58</sup> This partly explains why the tithe evidence cited early demonstrated a much higher decline in wealth in Northumberland and Norham and Islandshire than Durham, see above, p. 13

<sup>59</sup> Cf. J. Scammell, 'Robert I and the North of England,' *EHR*, lxxiii (1958), pp. 385-403. J.A. Tuck, 'War and Society in the Medieval North,' *NH*, p. 35; Lomas, p. 56



The ability to pay protection money suggests, but does not alone prove, the existence of great social cohesion, and there has been little attempt to test this theory in any other terms. Certainly the existence of the ecclesiastical structure noted here provided some focus for this, although such cohesion would have relied in the main on an integrated gentry with a strong sense of local identity, and would have extended far beyond the expedient of payments of protection money. Nevertheless, although writers accept that these payments were sufficient to insulate Durham society from the worst physical effects of the war, there is still an assumption that the economic and social effects of the war were still felt in Durham. The course of my research has demonstrated that this is simply untrue. Although the evidence of corn tithes demonstrates the economic implications of the war, it is the conjecture of this thesis that the ability of the society to raise protection money demonstrated that society's continued strength, and that it coped with the economic challenge posed by the Scots. Furthermore, as will be demonstrated in this thesis, the effect of warfare on office-holding and the pattern of landholding appears to have been largely negligible. Thus, to make generalisations which deal with Durham and Northumberland on the same terms when dealing with the implications of the Scottish wars would be, at best, misleading.

## V

In this thesis, the intention is to test whether social cohesion did indeed exist amongst the Durham gentry, on what levels it operated, and to set this alongside the wider context of developments affecting Durham society as a whole in administrative, social and ecclesiastical affairs, rather than the narrow context of the Scottish wars.

Even within these areas, the most prominent theme has always been seen to be warfare. Previous work on the administration of the bishops of Durham was largely

concerned with the wider issues presented by the war, rather than an attempt to define the composition of the administration and how it affected the social composition of the palatinate. Of course, there were naturally some opportunities for service within the administration which had a direct relationship to military service, and the most prominent example of this will be discussed. Nevertheless, the method of payment of tribute money in the fourteenth century suggests that the administration was formed from a combination of ecclesiastical and lay interests; how such forces interacted, and especially how the gentry defined its position within the administration of the bishop, are key questions to address. However, even more important within an administrative treatment of this question of 'cohesion' is the question of who the important men were, where their interests lay, and the nature of the associations that formed around them. Such questions are essential when one attempts any discussion of identity, a concept which has direct relevance to the question of how cohesive this society was.

In terms of the social organisation of the gentry, the most important factor to consider is lordship; the pattern of landholding and fluctuations in the number and type of families prominent in gentry society are key questions. A consistent discussion of the composition of Durham landed society in this period has not yet been attempted. Furthermore, attention needs to be paid to the interactions of the gentry concerning land, and the types of affinities and associations in which landowners mixed.<sup>60</sup> Through this, it is possible to build up a picture of the operation of a local society, how it created an identity and how wide-ranging the interests of its members were. If Durham were to have any sense of social cohesion, then the building blocks of this would have to lie in ties of lordship and land in which the gentry were the essential ingredient.

Nevertheless, if lordship and land are to be considered the building blocks of cohesion in gentry society, then the cement in this was undoubtedly the clergy and ecclesiastical

administration. The advantages of this have already been suggested, and if one is to accept the view that the government of palatinate was not as systematic as Lapsley suggested, the importance of ecclesiastical administration in fostering a cohesive society is even greater. Nevertheless, the position of Durham as an ecclesiastical liberty was itself fraught with potential difficulties; as the holder of the most powerful liberty in the north of England, the bishop of Durham was a natural rival to the archbishop of York, which raised questions of the position of the latter in the diocese of the former. Further down the ecclesiastical scale, a similar situation existed within Durham itself between the bishop and the prior of Durham, who possessed franchise rights of his own within the liberty. Integral, therefore, to this study is a consideration of the relationship between these figures, their relationship with the Durham gentry, and the implications this had for social integrity within the palatinate.

Such major concepts concerning the gentry cannot be discussed in isolation. Reference has already been made to Nigel Saul's work, which highlighted the development of an ordered social pyramid of rank in the Gloucestershire gentry.<sup>61</sup> Wider questions concerning the position of the gentry in the late thirteenth and early fourteenth centuries need to be addressed, especially the work of Peter Coss, who suggested that the knightly class experienced a severe social and economic crisis in these years.<sup>62</sup> Subsequent work by David Carpenter, considering the Oxfordshire gentry, and, more recently, by Kathryn Faulkner, questioned the extent of this 'crisis' and highlighted the resilience of the gentry in a period of social and economic change.<sup>63</sup> Most recently, Coss has appreciated the limitations noted in his argument by Carpenter

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<sup>60</sup> As will become clear, a difference is drawn in this thesis between the two concepts of affinity and association, the former meaning the following of a lord, the second referring more to the types of men with whom he either transacted his personal business or acted as a servant of the bishop or the Crown.

<sup>61</sup> See above, pp. 5-6, and n. 2, p. 5

<sup>62</sup> P.R.Coss, 'Sir Geoffrey de Langley and the crisis of the knightly class in thirteenth-century England,' *Past and Present*, lxxviii (1975)

<sup>63</sup> D.A. Carpenter, 'Was there a crisis of the knightly class in the thirteenth century? The Oxfordshire evidence,' *EHR*, 1980, pp. 721-52; K. Faulkner, 'The transformation of knighthood in early thirteenth-century England,' *EHR*, 1996, pp. 1-23

and others; in his latest contribution to this debate, he has redefined the whole conception of 'crisis' in terms of the thirteenth century gentry and reviewed the subsequent literature, much of which is consistent with a lack of economic decline amongst the knightly class.<sup>64</sup> His recent work also agreed in large part with Faulkner's revisionism, with some reservations.<sup>65</sup> Nevertheless, Coss continues to stress that there were potent difficulties for the knighted class in the thirteenth century.<sup>66</sup> How such debates and trends are relevant to the conditions within Durham will also be considered.<sup>67</sup>

A note must also be made of research recently published which relates to the palatinate of Durham. Recently published work by Helen Dunsford and Simon Harris has examined the settlement of waste land within the palatinate, whilst the pattern of landholding in the palatinate in the later fourteenth century is the subject of current research by Christian Liddy at the University of Durham.<sup>68</sup> A mention must also be made of a recently completed thesis by Brian Barker of the University of Teeside, concerning the Claxton family in the fourteenth century.<sup>69</sup> Barker's methodology and use of evidence is particularly worthy of note because a similar approach has been taken

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<sup>64</sup> See Coss, *Origins*, esp. chapter 4, pp. 69-108, and within this: pp. 72 where Coss appreciates that the term 'crisis' can as easily be applied to mean a positive change rather than a decline; pp. 76-77, where Coss demonstrates subsequent findings by Keith Stringer, as well as his own work on Warwickshire, which are consistent with the Carpenter argument; pp. 79-81, where Coss discusses the work of Nicholas Vincent, who demonstrated how the combination of access to patronage and access to the marriage market helped insulate the thirteenth-century gentry from severe economic decline; pp. 82-85, where Coss appreciates that factors such as debt were common to the knightly class and did not necessarily denote decline in itself, rather the way individuals and families handled debt dictated this; and, *ibid.*, where he also pointed out how writers like Vincent are keen to talk of the 'resiliency' of the knighted class in spite of their reduced material fortunes, rather than the materially-secure Oxfordshire gentry with which Carpenter was dealing, and how by doing so, they are moving the goal-posts of the debate. These viewpoints have demonstrated that the theory that the knighted class began to suffer a comprehensive and general crisis in the early thirteenth century was incorrect.

<sup>65</sup> Coss, *Origins*, pp. 91-97. Coss agreed with Faulkner's estimation of the number of the knights, but rather than her proposition that the sons of knightly families suddenly began to avoid knighthood in c.1220-c.1230, he argues that a gradual decline from the start of the century was more likely.

<sup>66</sup> *Ibid.*, pp. 107-108

<sup>67</sup> See chapter 3 below, pp. 114-119, where this debate is considered in more detail.

<sup>68</sup> H.M. Dunsford and S.J. Harris, 'Colonization of the wasteland in County Durham, 1100-1400'; *EcHR*, LVI 1 (2003), pp. 34-56

<sup>69</sup> B.A. Barker, 'The Claxtons: A North-Eastern Gentry Family in the Fourteenth and Fifteenth Centuries', Unpublished University of Teeside Ph.D. thesis, May 2003. I am greatly indebted to Dr.



in this study, namely to illustrate and identify affinities through the use of charter witness lists.

The use of witness lists often needs to be justified, despite recent work which highlights their importance. Huscroft and Hamilton, in their recent published volumes of, respectively, the royal charter witness lists of Edward I and Edward II, have discussed the issues involved.<sup>70</sup> They noted similar structures within the composition of both sets of lists which suggested that a consistent system was applied in the construction of witness lists.<sup>71</sup> On the one hand, the witness lists of the business pertaining to the palatinate are a suitable source of comparison because of the existence of structures of administration which mirrored central government, and certainly because of the bishop's right to implement the king's writ within Durham and to behave in the manner, if not the substance, of his royal master.<sup>72</sup> Both Huscroft, and to a greater extent Hamilton, also demonstrated how witness lists could be used to help illustrate the major political shifts within the reigns of Edward I and Edward II, the latter going as far as to argue that frequency of attestation over a set period of time reflects the level of influence an individual possessed, although neither saw the role of witness lists as anything more than complementary to other evidence.<sup>73</sup> It will be proposed in this thesis that the usefulness of witness lists is greater than either of these writers envisaged.<sup>74</sup>

Witness lists also present a number of well debated problems, however. The main questions raised concerning the use of these lists are threefold, and the first of these was particularly troublesome to Huscroft and Hamilton: first, does the mention of a name

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Barker for permission to cite his thesis, and to Professor Richard Britnell for loaning me his copy of Dr. Barker's thesis.

<sup>70</sup> *The Royal Charter Witness Lists of Edward I (1272-1307)*, ed. R. Huscroft, *List and Index Society of the Public Record Office*, Vol. 279, Public Record Office, 2000; *The Royal Charter Witness Lists of Edward II (1307-1326)*, ed. J.S. Hamilton, *List and Index Society...*, Vol. 288, P.R.O., 2001

<sup>71</sup> Huscroft, *Edward I*, p. vii; Hamilton, *Edward II*, p. i

<sup>72</sup> On the other, however, Durham also bore resemblance to a normal county of England, and would obviously not bear all the hallmarks of the central government. This also means that witness lists would contain a more 'local' flavour than those of the royal administration.

<sup>73</sup> Huscroft, *ibid.*, p. xvii; Hamilton, *ibid.*, p. x

<sup>74</sup> See chapter 2 below, *passim*.



mean that the person, or persons, mentioned were present when the charter was sealed; second, does witnessing a charter indicate that the witness approved of the contents; and, finally, does inclusion on a witness list necessarily imply a relationship with either, or all, of the parties in the text, or with any, or all, of the other witnesses? In this thesis, the position which is taken in relation to the first question is that those mentioned in witness lists were unlikely to have been present, and that, unless one is attempting to determine an itinerary of the witnesses themselves, the question itself is largely inconsequential.<sup>75</sup> The second and third questions can also be dealt with easily enough; the action of witnessing a charter does, in fact, imply that a witness supported the contents of the charter, in a similar way that most grantors would pledge to 'warrant and defend' their grants. This thesis will highlight numerous examples where it is clear that there were specific groups of men who were employed as witnesses for other men in certain types of grant, and propose that there must have been an understanding between the members of the gentry that their names could be used in this manner. Furthermore, comparison across a large number of charters demonstrates that a specific group of witnesses could transact most of the business of a single man, and this implies an affinity. There are some exceptions, and there are those men whose involvement in a grant was obviously due to their close proximity when the grant was made and sealed.<sup>76</sup> On the whole, however, it is clear from studying these lists that members of the gentry knew whom from their associations they could employ as witnesses, and in what type of

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<sup>75</sup> It seems fanciful to imagine that whenever a bishop of Durham, or indeed a local knight, needed to issue a charter, he would gather together his most important friends, councillors and retainers in a room to hear and agree to the content of a charter whilst a scribe made a note of proceedings, especially given the numbers of charters which survive from the medieval period as a whole; day-to-day life simply would not be able to operate under such circumstances. Furthermore, Huscroft has demonstrated how, in the early fourteenth century, it can be proven that significant witnesses, such as Walter Reynolds, archbishop of Canterbury, Thomas of Lancaster and Aymer de Valence, were definitely not with the king at the time they were listed as witnesses of royal charters – Huscroft, *ibid.*, p. xi. It therefore follows that if it was common practice at the centre to record men as witnesses when they were not present, this is something which would have followed at local level. Certainly, this makes the whole debate over whether a witness list denotes physical presence rather unimportant. What is far more important is, under such circumstances, what did inclusion on such a list mean?

<sup>76</sup> This phenomenon was reserved for the most prominent of the gentry, the example here relating to the Conyers, see chapter 4 below, pp. 158-59

business they could include their names. The composition of a witness list was not an inconsequential matter and, as Barker argues, clearly ‘efforts were made to obtain the attestation of influential members of local society, and if possible, even of national figures...Witness lists are useful, with some reservations, as they reveal social networks, friendships, and possibly political allegiance.’<sup>77</sup> It is worth stressing this last comment because although such lists can reveal affinities, they are not concrete statements of policy and their usefulness in determining personal connections is limited.<sup>78</sup> Ultimately, witness lists are at their most useful when they are available in relatively large numbers which allow one to build up a picture of patterns of association which reach both horizontally across gentry society and vertically between social levels.

The purpose of this study, therefore, is to provide an understanding of the integrity and cohesion of the Durham gentry in the late thirteenth and early fourteenth century, to define the composition of this society through a series of main chapters and individual case-studies, and to make a contribution to the general understanding of the experience of the Durham gentry in a period where social change, political uncertainty and economic challenges were rife.

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<sup>77</sup> Barker, ‘The Claxtons...’, p. 3

<sup>78</sup> This point is also discussed by Barker, *ibid.*, p. 8

## 2. The officers of the Palatinate of Durham:

**A discussion of associations and structures of power in the late thirteenth and early fourteenth century.**

‘There are two kings in England, namely the lord king of England wearing a crown as a symbol of his regality, & the lord Bishop of Durham wearing a mitre in place of a crown as the symbol of his regality in the diocese of Durham.’

These rather lofty words were spoken in August 1302 by Master William de St. Botolph, steward of the bishop of Durham. Of course, his words had a context, they were uttered at the height of the violent dispute between Bishop Antony Bek and the prior and convent of Durham. Nevertheless, these words also reflect a certain arrogance and sense of self importance, of which Master William seems to have had ample quantities. As steward of the bishop from 1286 until 1302, he became one of Bek’s most infamous officers. Botolph was prone to many an abuse of his position, most of which would involve at the very least either the blind eye, or in some cases the active involvement, of the bishop. In one celebrated example, cited by Fraser in her biography of Bek, a local Durham woman, Isolda de Hamsterley, was arbitrarily imprisoned by the steward; upon her release, she fled outside the boundaries of the palatinate to Yorkshire, where she sought out the king’s justice, only to find herself dispatched straight back to Durham as one of Bek’s subjects, in accordance with an agreement between the justices of Durham and Yorkshire regarding mutual extradition of malefactors. Once back in Durham, she was shut up in Durham Castle for no less than seven years until she had renounced on the bible any further intention of renewing her appeals.<sup>1</sup> In such a climate, it is therefore unsurprising to find many of the bishop’s subjects taking advantage of the confiscation of the palatinate in July 1302 to appeal to the justices appointed by the king

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<sup>1</sup> Fraser, *Bek*, pp. 97-8

to alleviate their suffering at the hands of such officers. Such were the conditions in Durham, where the officers of the bishop had the luxury, as they saw it, of being largely disconnected from the mechanism of appeals to the king. As the officers of the most comprehensive liberty in England their main responsibility was to the bishop, and in the case of Bek, a bishop who did not seem too concerned about whether their actions were always just.

The 'officers' of the bishop of Durham can be defined as the body of men who undertook temporal administration on behalf of the bishop of Durham. Amongst these can be included those men who appear to have acted as councillors and advisers, but who had no official position. Many of those who held position within the temporal administration were also of ecclesiastical rank; from 1297, the infamous William de St. Botolph was not only steward but also archdeacon of Durham.<sup>2</sup> This is unsurprising as not only did a position within an administration imply a need for education and literacy, which the clergy provided, but because Durham itself was an ecclesiastical liberty, it made sense for the bishop to make use of those men already active in his ecclesiastical administration. This in itself may have led to some uncertainty with regard to delineation of duties between the secular and ecclesiastical spheres; but in Botolph's case, it was the combination of the two leading posts in each administration which afforded him a commanding position in the palatinate between 1297 and 1302. As well as major administrators and the councillors of the bishop drawn from members of the Durham gentry, this classification of 'officers' also includes those commissioners and justices appointed within Durham to discharge its routine secular and judicial functions.

Some work has already been done in this area of study; most notable here are a list of the major officers appointed under the episcopate of Antony Bek produced by Constance Fraser, and a working list of sheriffs by Charles Hunter Blair in the middle of

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<sup>2</sup> C.M. Fraser, 'Officers of Durham under Bek', p. 24



the last century.<sup>3</sup> More recent writers such as Scammell, have discussed the administration of Durham in relation to the role of its officers in war and the payment of protection money.<sup>4</sup> What is proposed here is twofold; first, to describe who these men were and to define their function; and, second, to put them in the context of their duties, to determine how localised their influence was through a discussion of the associations in which they worked, and to draw conclusions on what considerations motivated these appointments and what the implications of these were on Durham society. Attention is first to be paid to the appointments of Bishop Bek from 1284–1311; further conclusions regarding those of his successor Richard de Kellawe, who, as an old opponent of the bishop in the priory of Durham, provide an interesting comparison. What the evidence has revealed is essentially a three tier system of appointments within Durham; first, those men whose interests one can identify within Durham; second, men whose interests were identified across the northern counties of England, extending from Northumberland to as far south as Lincolnshire; and finally, men who were employed in administrative business across the whole country, often royal clerks. All had a place within, and made differing levels of contribution to, the administration of Durham in the late thirteenth and early fourteenth century.

# I

The system of officers in Durham was a combination of elements; on the one hand, it incorporated elements of the administrative structure of a conventional county; on the other hand, it also embraced elements which mirrored the structure of central government but which were adapted to suit Durham's particular requirements.

<sup>3</sup> Fraser, *Bek*; C.H. Blair, 'The Sheriff and the County of Durham', *AA*, Ser. 4, 20, 1942

<sup>4</sup> J. Scammell, 'Robert I & the North of England', *EHR*, 73 (1958), pp. 385–403



The steward, or seneschal, acted as head of the civil government in Durham. His function was curiously reminiscent of that of a twelfth or thirteenth century English justiciar. As the political representative of the bishop, he had responsibility for a full range of functions ranging from muster for defence to taxation. In the judicial sphere, he was ultimately responsible for maintenance of the peace, the operation of justice and decided matters such as the expulsion or extradition of felons to and from the palatinate, although the sheriff of Durham and lesser officials would do much of the 'leg-work' associated with these functions. In social and economic terms, the steward was also the ultimate representative of the bishop in all matters as landlord. The most powerful secular office in the palatinate it was, by nature, salaried, and could be held by either an ecclesiastical or a secular lord, although in the fourteenth century it increasingly came to be held by a significant member of the gentry.<sup>5</sup>

Secondly, there was the sheriff of Durham. As already discussed, the palatinate consisted of two counties with separate administrations, although the same man invariably served as sheriff for both.<sup>6</sup> His administrative functions were largely similar to those of a royal sheriff; he was responsible for the promulgation of the bishop's writ, and through the bishop, the king's writ, not to mention the publication of any excommunications to the secular society of the palatinate.<sup>7</sup> In military affairs, he would be required to act as a commissioner of array and would be required to deliver the military requirements of the bishop to the king; he would also be responsible for the punishment of those who defied the muster. In terms of judicial functions, it would be the sheriff who issued commissions such as *oyer* and *terminer*; he also had responsibility for ensuring the smooth operation of the machinery of extradition, such as that of the case of the unfortunate Isolda de Hamsterley. The sheriff also had particular importance as a financial officer, partly because it was he who presided over the county

<sup>5</sup> Lapsley, *Durham*, pp. 78-80; Fraser, 'Officers', pp. 22-23

<sup>6</sup> See chapter 1, pp. 25

court, and thus all revenues from justice would pass through his hands, but also because he acted as escheator and had command of the writs and feudal mechanisms associated with that position, as well as custody of the lands of minors, widows and various malefactors.<sup>8</sup>

Thirdly, there was the chancellor. This position was still somewhat ill-defined in this period, and shared some functions with the bishop's receiver-general. In the later thirteenth century, it became increasingly common for one of the clerks within the bishop's chancery to assume some degree of seniority. This man became responsible for the organisation of the chancery and, most significantly, the custody of the bishop's seal; it was he who drew up and sealed all writs promulgated by the sheriff. This became the most important function of the sheriff, and it caused the rapid growth of this man's significance in the early fourteenth century; Robert de Calne was appointed the first official 'Palatinate Chancellor' in 1341. The chancellor also acted as secretary to the bishop's council, meaning that he was invariably present when most important decisions were taken, and that it was he who issued all patents for appointments to offices. His office also dealt with all disputes between the bishop's officials and his tenants.<sup>9</sup>

It was difficult, however, to distinguish the financial duties of the chancellor from those of the receiver-general because of the fact that the latter acted as the equivalent of a treasurer, managing the revenues and expenses of the palatinate direct from the exchequer and making payments as directed by the bishop. The problem arose from the fact that the machinery of the chancery and the exchequer were entangled, and as such it was often simpler for both positions to be held by the same man. This man would invariably also hold the position of constable of Durham Castle. This had originally been an honorary hereditary position held by three generations of the Conyers family in

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<sup>7</sup> Excommunications would also be issued by the bishop's 'official', his main spiritual representative.

<sup>8</sup> Lapsley, *Durham*, pp. 81-86

<sup>9</sup> *ibid.*, pp. 94-7

the twelfth century.<sup>10</sup> By the late thirteenth century, however, the constable had evolved into a proper salaried position with shared responsibility for military array with the sheriff of Durham.<sup>11</sup> In this period, however, the office of constable of Durham Castle was invariably separate from that of the chancellor or receiver-general.

Finally, there were those who were appointed as required and whose function was to support the main officers. These include coroners, sub-sheriffs and sub-escheators, as well as the various justices of assize and of eyre. Coroners were appointed centrally to take lands into the bishop's hands and to conduct inquisitions post-mortem, a duty which often led them into close co-operation with the justices. The justices, however, provide a much more interesting point of discussion. Unlike the coroners, who were largely local men, the justices were appointed from far and wide. They included local men as well as men of a northern provenance, and even royal justices.

## II

Bek's steward, William de St. Botolph, provides a convenient starting point in illustrating the men who filled these positions. His influence in Durham society was reliant upon his connections with the bishop; both originated from Lincolnshire, and both had served in the royal administration at Westminster. Botolph appears to have been an unscrupulous career-man who exploited his offices to the up-most.<sup>12</sup> He became Bek's steward only a year after the bishop's appointment and, by 1297, the steward had also accumulated the offices of vicar-general and archdeacon of Durham, a position which afforded him a virtually unchallenged right to oversee all secular and temporal affairs in Durham.

<sup>10</sup> See chapter 4, p. 157

<sup>11</sup> Lapsley, *Durham*, pp. 89-93

<sup>12</sup> Fraser, *Bek*, pp. 100-01

As steward, Botolph was particularly involved in land grants by the bishop. These included a grant of 50 acres of waste ground near Middlewood in co. Durham to Roger de Esh in March 1291.<sup>13</sup> This grant is particularly significant, however, because of the witness list it recites: heading the list was Botolph, followed by masters Adam de Driffeld, John de Craven; next came Peter de Thoresby and Thomas de Levisham. They were followed by Sir Guichard de Charron, Sir Robert de Hilton and Sir John fitz Marmaduke, three of the most prominent knights, and franchise holders, in the palatinate, in addition to a number of other men who played a significant role in the Durham administration, including Henry de Insula, who was also a franchise holder, and John de Shirlock, later a sheriff of Durham. This list provides a 'snap shot' of the major ecclesiastical officers and members of the gentry in the period, and can be seen recurring in similar grants throughout Bek's episcopate. It is also worth noting the position of the ecclesiastical officers, headed by Botolph, ranked ahead of the gentry.

Yet, for all his influence and favour with Bek, Botolph was not immune from judgement and was brought to heel spectacularly when, notwithstanding his rhetoric of August 1302 concerning his master's regality, the bishop of Durham was deprived of his liberty after a direct challenge to the king's attempts to solve the dispute between the bishop and prior, not to mention the complaints of Bek's tenants concerning the activities of men like Botolph.<sup>14</sup> During the confiscation, Durham was treated as if a vacancy was in operation; the officers of the administration were replaced and two royal justices, William de Ormesby and Henry de Guildford, were appointed to hear the cases brought against Bek's officers, which they reported in July 1304. Their findings against Botolph were extensive and the penalties ranged from half a mark awarded to Peter de Crok, to a 100s fine awarded to the prior of Durham and John fitz Marmaduke. Nevertheless, although there were many genuine grievances to be heard, there were also

<sup>13</sup> *RPD*, IV, pp. 99-100, *CPR*, 1307-13, pp. 435-436

<sup>14</sup> See case study, pp. 77-82.



many who tried to exploit the presence of the king's justices and counter-fines were enacted by Ormesby against those who brought false claims against Botolph, such as William Warde of Newton, and, perhaps unsurprisingly, the priory of Durham. Nevertheless, Botolph was still imprisoned for his machinations and required to buy his freedom in October; he also had to pay a further fine of £200 to John de Insula.<sup>15</sup>

Botolph's career also reflects a trend common to many of the men employed in Durham; their transferability. In January 1291, for example, he was to be found, alongside Guichard de Charron, acting as a commissioner of *oyer* and *terminer* in Yorkshire 'touching the persons who broke the park of Brian son of Alan at Cudelton...[and who had] hunted therein and carried away deer.'<sup>16</sup> Apart from being a prominent northern baron, Brian fitz Alan was also an important soldier and royal official, and he also had interests within Durham and the administration of the bishop.<sup>17</sup> Fitz Alan witnessed a confirmation of lands granted to Robert de Brandon at Stanhope in co. Durham in November 1300; also witnessing this were Botolph and John fitz Marmaduke among others.<sup>18</sup> Such examples demonstrate the fact that close links existed between the gentry families of the palatinate and of north Yorkshire. This also reflects an element of flexibility amongst the officers of the former; and demonstrates the fact that the palatinate was not a 'closed-off' administrative sphere. Botolph's career reflects this perfectly. He fits into the category of man whose interests originated from outside the palatinate, but who came to identify with Durham through the patronage of the bishop; his role within that administration, however, helped him to foster interests outside the palatinate.

Nevertheless, there were other types of men who cultivated successful careers in very different ways. One of these is Guichard de Charron, who provides a complete contrast

<sup>15</sup> CCR, 1302-7, pp. 155 – 158, CPR, 1301-7, p. 261

<sup>16</sup> CPR, 1281-92, p. 513

<sup>17</sup> See case study, pp. 97-106

<sup>18</sup> DCM Almoners' Little Cartulary, pp. 212-14, cited from Fraser, *Records*, p. 78



to Botolph in a number of ways. His foremost difference was in his character; Charron was a man of a genuinely noble nature, in action as much as breeding. In origin, Charron's family were of Savoyard descent, although they had acquired lands in Durham around Horton and Gateshead, and just across the Tyne; Charron himself had rights of free warren in his manor of Beamish in the parish of Chester-le-Street, ranking him amongst the most prominent of the Durham gentry.<sup>19</sup> His interests spanned Durham, Northumberland and Yorkshire; he was consistently employed as a justice and sheriff in both Durham and Northumberland, and was active in commissions in all three counties in this time.<sup>20</sup> Charron was undisputedly an able, and a highly respected man; this was undoubtedly the main reason that his career was able to flourish outside Durham where it could stand up to greater scrutiny from the central authorities.<sup>21</sup> This was also the main reason that Charron was one of the rare type of men who was appointed to positions of responsibility in the palatinate by both its bishops, and by the king. During the vacancy of 1283, for example, he was appointed keeper of the bishopric alongside Malcolm de Harlegh, a position fraught with difficulties due to a bitter dispute at the time between the prior of Durham and archbishop of York over metropolitan rights, in the course of which, Charron and Harlegh had to intervene to prevent serious injury occurring to the archbishop in Durham city.<sup>22</sup> The logic behind the pairing of Charron and Harlegh is obvious; Harlegh himself was often employed as caretaker of a number vacant sees, later acting as guardian of York in 1285-6, and keeper of both the abbey of Westminster and the bishopric of Salisbury in 1284 and 1288.<sup>23</sup> Harlegh was obviously the royal official with expertise in these kind of keeperships, whilst Charron, who had been acting as the old bishop's steward in 1283,

<sup>19</sup> DCM: Reg. II. ff. 124v-7r; Cart. Vet. f. 116\*v. For more discussion of Charron see Fraser, *Bek*, p. 101

<sup>20</sup> *CCR*, 1279-88, pp. 68, 226-7; Fraser, 'Officers', pp. 29-37; *CCR*, 1279-88, p. 308; DCM Reg I. ii., f. 33r-v.; DCM MC 1561; and cf. Fraser, *Bek*, p. 101.

<sup>21</sup> For a more detailed exploration of Charron's career see the following case study.

<sup>22</sup> For their appointment, cf. *CCR*, 1279-88, p. 210, 259. Details of the dispute between Archbishop Wickwane and the prior and convent can be found in the following case study, pp. 71-72

was the trusted local man on the ground. Later, during the confiscation of the palatinate in the fourteenth century, both Edward I and the community of Durham would place their trust in Charron.<sup>24</sup>

Alongside Charron there were other men amongst Bek's officers who had administrative experience under his predecessor. These included Thomas de Levisham and Peter de Thoresby. Levisham, a clerk of the bishop, seems to have been employed mainly as a member of Bek's council, and occurred frequently on witness lists of the kind in which Botolph and Charron were associated in the 1290s.<sup>25</sup> Thoresby's role was more visibly active. He had acted as treasurer for Robert de Insula, and succeeded Charron as Chancellor in September 1290, apparently holding the post until April 1302; and from 1303 to 1307, he acted as receiver-general of Durham, suggesting some specialisation in financial affairs.<sup>26</sup> Thoresby was also employed as an irregular justice in Durham between 1291 and 1302; he acted as a justice of assize with Guichard de Charron, between July 1291 and August 1292, with John de Lithegraines, the escheator north of Trent, associated to them, and again between June 1301 and July 1302 with Charron and William de Brompton.<sup>27</sup> Thoresby and Levisham also acted closely together, and the former appeared in the same witness lists as his colleague in the 1290s.<sup>28</sup> An example which illustrates this association can be found in a grant of free warren to the prior and convent in Westoe and Wardley in November 1291, which presents a witness list similar to those already cited above but arranged differently; it names Ralph Neville, Gilbert Hansard, and John fitz Marmaduke, knights, with mr. William de St. Botolph, steward, Peter de Thoresby, Thomas de Levisham, Adam de

<sup>23</sup> *CCR*, 1279-88, pp. 282, 379, 386, 388

<sup>24</sup> See case study, pp. 82-83

<sup>25</sup> For examples cf. *CPR*, 1307-13, pp. 435-6 and *DCM*: Reg. I. ii., ff. 30v-31v; 42v., 43r-v.; Reg. II., f. 323; Cart. II., ff. 237v-38; MC 6416, and see below, pp. 48-54

<sup>26</sup> Fraser, 'Officers', p. 25, p. 27, cf. also *DCM* Reg. I. ii., ff. 33r-v. for his appointment as chancellor

<sup>27</sup> *DCM*: Reg. I. ii., f. 89v; Cart. II., ff. 237v-38r & 3.2.Pont.15; *TNA Coram Rege Roll*, Trinity, 29 Edw. I, m. 57d., printed in *Parl. Writs*, I, 108-9 and cited from Fraser, *Records*, pp. 85-6

<sup>28</sup> cf. n. 26 above

Driffeld 'and others'.<sup>29</sup> This witness list is interesting because it presents those listed in terms of their social rank, rather than listing the major ecclesiastical officers of the administration first; this trend was neatly reversed in a grant of the following year.<sup>30</sup> A further example can be found in a confirmation of lands granted to John Bille of Durham in Lanchester and Milburnhead in August 1292; this lists Botolph, steward, followed by masters Adam de Easingwold and Adam de Driffeld, Thoresby, with Levisham and Richard de Overton, clerks, Guichard de Charron, Robert de Hilton, John fitz Marmaduke, and William de Laton, knights; Sir Ralph de Warsop, sheriff of Durham, William de Kellawe, John de Insula, Henry de Insula, Walter de Bermeton, Walter de Washington and various others of lesser rank.<sup>31</sup> There is a clear connection here; some of these names come and go, sometimes the list is more limited, but these men seem to form an extended circle of association which transacts business within Durham; these men were wound together in extended bonds of association based on their role in the administration. The last example of 1292 mentions Sir Ralph de Warsop as sheriff. The date for this charter is not certain, as the 1292 document is a confirmation of a previous grant, although it is not likely that the original dated from very much earlier.<sup>32</sup> Warsop acted as a clerk to Charron when the latter was sheriff of Northumberland, and it was this training which was probably the reason he succeeded his master as sheriff of Durham; although his absence from official position after 1302 supports Fraser's suggestion that his support of the priory during the dispute with Bek put paid to his career.<sup>33</sup> One could not afford to be too partisan in Durham society. Thus

<sup>29</sup> DCM: 4.3.Pont.4, Cart. I., f. 93r

<sup>30</sup> Grant of manor of Houghall by the prior and convent of Durham by Thomas de Herrington in August 1292, witnessed by Botolph, Charron and Thoresby, justices, Sirs Gilbert Haunsard, Robert de Hilton, John fitz Marmaduke, William de Laton, John de Eggescliffe and Richard Harpyn, knights, as well as William de Kellawe, Alexander de Biddick, Roger de Hess, Robert de Hoton, John Shirlock, John Bille, William de Southwick *et multis aliis* - DCM: 2.14.Spec.19, conf. DCM: 3.2.Pont.15; Cart. II., ff. 237v-39r

<sup>31</sup> *CPR*, 1281-92, p. 504

<sup>32</sup> cf. DCM Reg. I. ii., ff. 30v-31 & MC 2353 for confirmation by the prior and convent, dated April 1293. This grant was also confirmed by the king in August 1292, cf. *CPR*, 1281-92, p. 504

<sup>33</sup> Fraser, 'Officers', p. 30

one can identify, especially in the years up to the confiscation, a diverse group of substantial and middling gentry who formed, in conjunction with a collection of major ecclesiastical lords and clerks, a pool of men from which officers could be drawn, and further, an 'affinity', or put more appropriately, an 'association' through which official business was witnessed and discharged.<sup>34</sup> Nevertheless, it is crucial to stress that this pool of men was not exclusively drawn from Durham society; it was fluid enough to admit men of varied interests from across the north of England.

### III

It is worth taking a closer look at the witness lists to help illustrate exactly who the bishop's councillors were in these years, how the association around him was structured and the role of the Durham gentry within it. It is very difficult to determine exactly who his councillors were during those years because of Bek's long absences from Durham during the 1280s. The evidence may, however, slightly colour this picture because much of it relates to the 1290s, which could present an exaggerated view of the involvement of some men, such as, for example, Guichard de Charron, although in his case there are other reasons for assuming that he may have been less active in Durham in the 1280s and that it was from 1290 that his career witnessed a 'renaissance'.<sup>35</sup>

As already evident, from 1290 onwards there exists a set of writs and grants which relate mainly to the allocation of reclaimed wasteland to loyal men of the bishop. Nevertheless the value of these grants lies more in the lists of witnesses which are attached to them, and the rules which governed how men were ranked in such lists. A grant of land in fields just outside Darlington from the bishop to William, son of

<sup>34</sup> By 'association', what is meant is that such men had connections in the sense that they were used to acting together in an informal capacity in transacting specific types of business; it is not meant to imply that there was an 'association' in terms of an organisation to which they belonged.

<sup>35</sup> See case study below, pp. 83-91



Benedict of Darlington, in September 1290 was witnessed by Botolph, the steward, Thoresby, the chancellor, Charron, then sheriff, followed by knights Fitz Marmaduke, Heworth, Richard de Cartenay and Hugh de Burdon, and finally men local to the area of the grant including William Redhood of Darlington, Peter 'the clerk', and Gilbert de Graystones.<sup>36</sup> The structure of this list is quite simple and is largely what one would expect from previous examples, recording officers, followed by a list of knights and other men listed in terms of social order. The bishop's council was not composed simply of office holders; there would have been those drawn from the local gentry whose function was simply to be present as advisors, from which group the four knights listed here were drawn. These were followed by men of a lesser status and, in this case, lesser men of local provenance to the area with which the grant dealt. In this scheme of things, one would expect the latter group to vary considerably and the first two to vary less. Furthermore, the top level, the office holders, can be regarded as holding roughly equal social status to those knights in the second level by virtue of their office.

There are further examples of this type of simple list. In 1297, a grant of a messuage and a lane leading to the spring at Hundgate just outside Darlington, made by the bishop to the vicar of Darlington was witnessed by Botolph, Levisham, Thoresby, Charron, John de Saundon, John lord of Skerningham, Robert de *Levyinthorp*, William son of Benedict of Darlington, John de Blakewell, Peter 'the clerk', William de Ruley, Adam de Sutton *et aliis*.<sup>37</sup> A shorter list, it mentions only Botolph by his official position, listing Levisham, Thoresby and Charron as leading knights, followed by the local flavour, which includes William of Darlington, subject of the previously discussed grant, as well as many of the men who acted as witnesses in that case, leading further credence to the supposition made above concerning the type of men who formed the

<sup>36</sup> DCM: Reg. I. ii., f. 33r-v; MC 1561

<sup>37</sup> This grant is undated and therefore the date of 1297 is assumed as this was the year in which Botolph was appointed as Archdeacon of Durham, and it is also one of only two years where he is referred to as



third group of men and illustrating three distinct tiers, two of which consisted of councillors of the bishop and members of the Durham gentry.

However, there is also evidence of a more complicated list format which adds an extra tier to this scheme. In general, there appears to be a trend in the 1290s towards structuring such lists more specifically, and from this, a picture of the 'pecking order' can be more accurately determined; this reflects a hierarchy within not only the councillors of the bishop and but also the gentry who supported them in the second tier. The full extent of the lower (local) tier can, for the moment, be disregarded in favour of the upper tiers, because it was to the two upper tiers which members of the gentry were restricted at this point. A grant of fifty acres of reclaimed waste land to Roger de Esh in March 1291, for example, was witnessed by Botolph, Masters Adam de Driffeld and John de Craven, Thoresby, Levisham and John, parson of Seaham, and knights consisting of Charron, Hilton and Fitz Marmaduke.<sup>38</sup> There is a new grouping here; it is evident in this grant that the clerical element of Bek's council was being promoted; Levisham and John, parson of Seaham, appear to have been listed with Thoresby, who as chancellor was the only one of the three to hold a position as an officer, by virtue of their status as clerical officers, an undoubtedly senior one in Levisham's case. In terms of the grouping of knights, Charron assumes seniority.

It may be that the previous grant was an experiment in how to list the social order. The bishop's clerks seem to have established a new pattern fairly swiftly in a charter issuing reclaimed lands to John Bille, most probably issued in the same year.<sup>39</sup> Already discussed, this list comprised Botolph, masters Alan de Easingwold and Adam de Driffeld, followed by 'clerks' Thoresby, Levisham, Richard de Overton and Geoffrey de Sherburn and Durham knights, Charron, Hilton and Fitz Marmaduke, with the addition

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such in witness lists; in following years he is again styled Steward of Durham. Also, where available some of the names in this list have been substituted with modern equivalents, *RPD*, Vol III, pp. 235-6

<sup>38</sup> *RPD*, IV, p. 99-100; *CPR*, 1307-13, pp. 435-36

<sup>39</sup> *DCM*: Reg. I. ii., ff. 30v-31; MC 2353

of William de Laton. This grant established a pattern for which there are numerous further examples; it is significant not only in placing the knights after the clerks in terms of the pecking order of the council, but for describing Charron, followed by Hilton and Marmaduke, as the leading knights from amongst the gentry. This grant is also of interest due to the men it lists from amongst the 'local flavour', which was headed by Warsop, the sheriff of Durham, and included prominent men such as William de Kellawe, John de Lisle, Henry de Lisle, Walter de Bermeton, Alexander de Biddik and Walter de Washington, the latter of whom was later promoted to the ranks of the knights and whose family became of increasing note in the fourteenth century. This suggests that had this grant not concerned lands and men belonging to the actual city of Durham itself then it may not have listed Warsop, despite his position as sheriff. Thus it would appear that even though the lists were organised overall in terms of administrative status, the men within them all had to have a certain level of social status to initially earn their position: hence Warsop earned his position here as a local man rather than as a chancellor of Durham. This also reflects something of the status of a member of the gentry like Charron who, socially at least, earned higher position than Warsop, as did Hilton and fitz Marmaduke by virtue of their position as leading members from within the Durham gentry. This suggests that assigning hierarchy within Durham society was a complex affair; it demonstrates not only who the leading members of the Durham gentry were through their role as witnesses of official business, but how they fitted into the overall hierarchy of the bishop's administration.

This pattern recurs in remaining grants; a confirmation of a land grant made by Thomas de Herrington to the prior and convent of Durham in August 1292 was witnessed by Botolph, as steward, followed by Charron and Thoresby, as justices, then a list of knights comprising Hansard, Hilton, fitz Marmaduke, Laton, John de Eggescliffe, Richard Harpyn, and a group of local men including William de Kellawe,

Biddik, Hoton, Shirlock and Bille.<sup>40</sup> Similarly, a grant of 60 acres of reclaimed waste near Tursdale in December 1293 to Richard de Coxhoe, a clerk of the bishop, was witnessed by Botolph, as steward, Levisham and Thoresby, as clerks, Charron, Hilton, Marmaduke and Heworth as knights, as well as William Pollard, Walter de Bermeton, Walter de Rothbury and Thomas le Chancellor and many others.<sup>41</sup> A similar list survives for a grant to Walter de Bermeton in the following year, except that this omits the clerks and draws from a wider list of knights which lists Charron, Laton, Heworth and Sir Henry de Springe.<sup>42</sup> These continue to reflect a fairly regular pattern: Hilton, Marmaduke and Charron assuming the position of leading knights, and it is clear that the three hold roughly similar social status due to the variation in the order in which they are listed; with semi-regular support from other knights, in particular Laton or Heworth, who are evidently of lesser status in the administration, hence their ranking behind the main three; and also lesser men in the administration such as Walter de Bermeton and William Pollard, who fit into the lower tier and who may also have had a position on council, although in general the lesser men vary much more than the list of knights. In any case, what is being witnessed here is the development of a highly ordered system of association.

Nevertheless, there were some important variations in both personnel and organisation, which can be illustrated through two examples. First, consider the witnesses to Bek's confirmation of the grant by Gilbert Gategang of 118 acres of lands around Gateshead to his son, Gilbert, and his wife in 1299. There is nothing particularly new about the structure of the list; it begins, unsurprisingly, with the steward, followed by Levisham, Thoresby and Warsop, as clerks<sup>43</sup>, but then the list of knights is headed by

<sup>40</sup> See above, fn. 31

<sup>41</sup> DCM: MCs 6414, 6415; Reg. I. ii., f. 42

<sup>42</sup> Fraser, *Records*, no. 41., pp. 42-4

<sup>43</sup> This reflects something of an elevation of the position of Warsop within the administration since 1292.

Sir Brian fitz Alan, followed by Hilton, Marmaduke, Charron and Washington.<sup>44</sup> It is curious to find Brian fitz Alan, a Yorkshire baron, so suddenly promoted to pre-eminence. Fitz Alan had lands in Durham and had been associated with Bek since at least 1291, during which year he had been a member of Bek's retinue, and he had been a keeper of Scotland at the same time that Bek was engaged there on diplomatic missions.<sup>45</sup> Although he is described as a councillor of Bek, he does not appear to have become greatly involved in the administration of Durham until 1299; nevertheless, he would have been sufficiently high enough in Bek's favour through his activities to earn this position at the head of the list of knights.

The second example also witnesses the involvement of Fitz Alan, but is curious from the perspective of organisation. The bishop was called upon to confirm the foundation of a chantry at Lazenby in Yorkshire by John and Alice de Lithegraines in November 1291; the original witness list is retained, but a further record of witnesses for the bishop is appended, which lists Fitz Alan, Hilton, John de Bohun, Ralph Fitz William, William le Vavasour, Charron, Robert de Nunwick, Oliver de Buscy, knights, followed by Botolph, steward, Thomas de Leuesham, Master Adam de Driffeld, Richard de Claxton, vicar of Northallerton, John Morgan, John Longspeye, and others.<sup>46</sup> This is distinctive for reversing the order between the knights and the officers and clerks, most likely due to the fact that this grant concerns lands within Yorkshire. From the perspective of the Durham administration, the inclusion of the steward and his clerks is important, but these men had no administrative standing within Yorkshire, therefore it was more important to rank a collection of the most important knights first. Hence what is witnessed here is a curious collection of those knights from Yorkshire and Durham chosen as witnesses, who were ranked in terms of their overall status. Fitz Alan and Hilton rank as the most important and it is unsurprising to find Ralph Fitz William and

<sup>44</sup> DCM Reg. I. ii., f. 43r-v; DCM MC 7125 (n)

<sup>45</sup> Fraser, *Bek*, p. 105, pp. 137-8. For more detail on Brian fitz Alan, see case study, pp. 99-100



William le Vavasour here as both were Yorkshire barons with connections to Bek. Similarly, to find Charron here is to see an echo of his career outside Durham. Thus the reversal of the order of the witness list can be explained through the need to rank men in terms of their relative importance across two counties, rather than through the needs of the Durham administration.<sup>47</sup>

As far as the 1300s are concerned, the pattern of witness lists continues up to the confiscation of the liberty in July 1301. A confirmation of January 1300 reproduces the same list of clerks and knights as the confirmation issued to the Gategang family in 1299, with similar lists reproduced in April 1301, (which includes Sir Ranulph de Neville at the head of the list of knights in this case), and in November 1301.<sup>48</sup> Nevertheless, standing out from all the previous lists is one from 1305, a grant by the Bishop of 50 acres of reclaimed waste lands near Twizell to John de Birtley, witnessed by Charron, Thoresby, Sir William de Herrington, Sir William de Kilkenny, Sir Robert de Eplingden, Sir John de Flete, Sir Gilbert de Scharesbek and unnamed others.<sup>49</sup> It is likely that the appearance of this miscellaneous collection of knights is due to uncertainty at the centre of the administration after the confiscations of the liberty and the prosecutions of its leading officers. As has already been seen, royal officers were active in the liberty at this time pursuing conclusion of the remaining cases against Bek and his officers, and events in this year would culminate in the second confiscation of the liberty in December. Thus it is unsurprising to find some flux and change in the lists from this year; it is telling, however, that Guichard de Charron survives this.

<sup>46</sup> Fraser, *Records*, pp. 28-9

<sup>47</sup> Less easy to explain is a similarly reversed witness list of June 1298; there are no such special circumstances like those of the previous grant – it may just be an error. cf. Fraser, *Records*, pp. 53-4

<sup>48</sup> DCMs Reg. I. ii., f. 32v., MC 7125 (c); CPR, 1307-13, pp. 435-6, RPD, IV, pp. 100-101

<sup>49</sup> DCM: Reg. I. ii., f. 31 r-v; MC 7125 (e)



## IV

After 1305, 'older-hands' such as the by then disgraced Botolph, the aged or possibly deceased Charron, and the equally aged Thoresby gave way to new men at the top end of the administration. Bek's new steward was Stephen de Mauley, a son of Sir Peter de Mauley. In many ways, Stephen was similar to his infamous predecessor Botolph; his family for example, originated from Yorkshire and Lincolnshire, and they entered Bek's service through this route, as opposed to being members of the Durham gentry. Sir Peter de Mauley was a considerable northern baron who nevertheless had some Durham interests; he had acted as a witness to the bishop's confirmation of Thomas de Herrington's grant of Houghall to the prior and convent in August 1292.<sup>50</sup> Stephen de Mauley began his career as a canon of the church of Auckland in the early fourteenth century; Bek collated the church of Haughton-le-Skerne to his prebendary in September 1303.<sup>51</sup> He was also archdeacon of Cleveland by August 1306, when he was the lead witness of a grant to Gilbert Scaresbek of 120 acres of land in Birtley and Gateshead in the north of the palatinate, also witnessed by Botolph, who was still clinging onto his position as archdeacon of Durham, and other men including Thoresby and Hugh de Louthre.<sup>52</sup> He was also involved, alongside John de Insula, canon of Auckland, in the presentation of a licence by the bishop to the priory of Hexham to appropriate the church of Stamfordham in October 1307.<sup>53</sup> By January 1307, Mauley had also been appointed the bishop's steward and was active witnessing land grants in this capacity; these included a grant of approximately 75 acres of various moorlands to James le Spicer, a servant of the bishop, in February 1309, witnessed by: Mauley, steward;

<sup>50</sup> DCM: 3..2.Pont.15, Cart. II., ff. 237v-8, Cart. III., f. 219v-20r

<sup>51</sup> Vatican Archives, Rome, Instr. Misc. 360, cited from Fraser, *Records*, pp. 99-100

<sup>52</sup> DCM: MC 367; MC 7125 (g); Reg. I. ii., f. 31

<sup>53</sup> DCM: Reg. I. ii., ff. 29v-30r; MC 6581

Robert de Hilton, Richard fitz Marmaduke, son of John, and Thomas de Whitworth, knights; Rogert de Waltham, the chancellor; John de Insula, John de Bothby and Robert de Littlebury, clerks; in addition to John de Shirlock, Richard de Stanlawe, sheriff of Durham, and Peter de Bolton.<sup>54</sup> One month later, he witnessed a similar grant with similar witnesses, in which the principal gentry assumed the leading position, and similar grants were transacted the next year, in May and in August 1310, in the latter of which he was the lead witness of a grant of waste land to William de Killerby, also witnessed by Hilton, Whitworth and Thomas de Ley, knights, Stanelaw, the sheriff, Shirlock and Scaresbek; here, one finds Mauley ranked higher than the leading Durham gentry by virtue of his administrative position rather than landed position within Durham.<sup>55</sup> Such grants reflect the fact that whilst the personnel in the administration were changing, the way in which this type of business was organised, and in which grants were witnessed, had not changed. Furthermore, in addition to his role as archdeacon and steward, Mauley also acquired the role of vicar-general for the bishop in his spiritual affairs between March 1307 and March 1309; and in February 1309, he was commissioned to proceed with the bishop on a new visitation of the priory of Durham, playing an instrumental role in the following actions against a number of the monks.<sup>56</sup> Although, in his collation of the same officers, Mauley provides a direct comparison with Botolph, in the execution of his duties he appears to have been much different. Not only were there a notable lack of complaints brought against him, but his rewards as a result of office appear to have been slight; it certainly does not appear that he exploited his office to the detriment of the community, or to line his pockets.<sup>57</sup>

<sup>54</sup> Fraser, 'Officer,' p. 25; DCM Reg. I. i., f. 142v

<sup>55</sup> DCM: Reg. I., ii., f. 34r-v & MC 7125 (m); Reg. I. ii., f. 47 & MC 7143 m.3. There are a similar grants, again with similar witnesses, in DCM Reg. I. ii., f. 43v. & CPR, 1307-13, p. 291. A different type of witness list can be found in that of a house and mill-pond to Henry de Neuson of Chester-le-Street in August 1310, witnessed by Mauley in addition to John de Birtley, John de Whetley, Henry de Ulkstan, Willian de Picktree, William de Scouland and Robert de Selby, clerk, cf. RPD, II, p. 1208-9. This is an exception, however.

<sup>56</sup> See Fraser, 'Officers', p. 25, and for the proceedings of this visitation see DCM: Loc. VII, nos. 23, 40

<sup>57</sup> Cf. a grant of lands in Cliffe in Yorkshire by Bek to Mauley in September 1308, DCM Reg. I. ii., f. 37

Although Edward I had no need to appoint a steward during his confiscations of the palatinate in 1302-3 and 1305-7, he did require the services of a chancellor, and on both occasions he opted for Henry de Guildford, a justice of common pleas and one of the men who had led the investigations into the malefactions of Bek's administrators. He understandably endeared himself to Bek's enemies during his periods at Durham, the prior and convent granting him a canonry at Howden in 1303; this was, as Fraser has suggested, most likely the reason that he made little impact on Durham outside the confiscation, although as a firmly established royal servant, he likely had little interest in quitting this sphere and using his position as a stepping-stone into Durham society.<sup>58</sup>

Nevertheless, the reverse trend was also evident; of men from outside the Durham gentry who worked their way up within the Durham administration only to transfer to royal service, and an excellent example exists in another chancellor of Durham, Roger de Waltham. His origins, as already indicated, were not Durham based; the canon of London appears as one of Bek's household clerks from 1300 onwards, and as canon of London and Darlington by 1306, when he was given licence to hold benefices in plurality.<sup>59</sup> He was also a witness to a number of land grants made by the bishop, including one to the new steward, Mauley, in September 1308, dated at Waltham, alongside Peter de Mauley, and also the grant of lands near Pelton to John de Weardale in March 1309, alongside Mauley and Insula, in addition to Robert de Wylegby, Philip Darcy, Richard fitz Marmaduke, knights, and Shirlock, Gategang and Scaresbek from amongst the gentry.<sup>60</sup> By the time of the latter grant, Waltham had already become chancellor of Durham, in which capacity he acted as a witness alongside Mauley and Richard de Stanelaw, the sheriff, in the previous month, and again in May 1310, as well as being a close colleague of the steward in the visitation of 1309.<sup>61</sup> Finally, in October

<sup>58</sup> Fraser, 'Officers', p. 26

<sup>59</sup> DCM Reg. III., ff. 81v-83v.; *RPD*, I, pp. 526-30

<sup>60</sup> DCM: Reg. I. ii., ff. 37r, 34r-v.

<sup>61</sup> Above, p. 56

1310, Mauley and Waltham were the lead witnesses to a land grant in the bailey of Durham city to Roger Pychard, which was also witnessed by Hilton, Marmaduke, Louthre, Shirlock and Scaresbek.<sup>62</sup> This reinforces the emerging picture of a distinct core from within the Durham gentry playing a leading role in the transaction of major business alongside the most important of the administrators, the latter of which assume the leading position over the gentry due to their official position, despite their lack of tangible connection to the Durham gentry, as in the case of Waltham; official capacity certainly appears to have outranked landowner status. In some cases, the two statuses coalesced, such as in the case of Guichard de Charon, whereas in other cases, like Roger de Waltham, such administrators had no landed interest in Durham and it is no surprise to find that they came and went relatively swiftly. Waltham's tenure as chancellor ended by October 1310, and, after Bek's death in the following year, he left Durham to pursue a career in royal service, eventually becoming keeper of the wardrobe in 1322.<sup>63</sup> Waltham's experience is interesting as it reflects not only that his career in Durham depended on personal ties to the bishop, and died with the bishop himself, but that despite the effective dismantling of his administration on two occasions, Bek very much stuck to previous policy when making subsequent appointments. Certainly, both Mauley and Waltham were much more upstanding men than Botolph, but they were also leading ecclesiastical clerks, and they held the two most important secular positions in the liberty; a clear demonstration of continuity with the pre-confiscation administration. There is also a hint of the partiality which so characterised Botolph as both Mauley and Waltham were, as has been noted, heavily involved in the visitation of 1309 and subsequent proceedings brought against leading monks such as Geoffrey de Burdon and Henry de Stanford as a result of the visitation.<sup>64</sup> Given such involvement, Waltham's departure from Durham after the death of his master is even more unsurprising when

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<sup>62</sup> *CPR*, 1307-13, p. 291

<sup>63</sup> Fraser, 'Officers', p. 26



one considered that it was the monks' former prior, Kellawe, who was elected Bek's successor; it indicates not only the bitterness which still remained between the monks and the bishop's officials after 1305, but the considerable scope for the bishop and his officers to foster such bitterness through acts of partiality, even after two confiscations of the liberty by the king.

The sheriffs appointed in the palatinate in the years after Guichard de Charron and Ralph Warsop also provide much interest, in particular that of John de Birtley, one of the vacancy sheriffs appointed by Robert Clifford on behalf of the king. Birtley, was, as will be seen later, a significant landholder in the north of the palatinate who had links with the Marmadukes.<sup>65</sup> On the one hand, the appointment of such a prominent member of the Durham gentry, rather than a royal official, is itself notable. Birtley had acted as a witness for the bishop from the early 1290s, in 1299, and in 1301; in the course of these grants, he was associated with some of the most significant men from the post-confiscation administration, including Botolph, Charron, Easingwold, Thoresby, Levisham and Warsop, as well as other significant landholders in the north of the palatinate such as fitz Marmaduke, Hilton, Washington, Farnacres, and other councillors and wider associates of the bishop such as Brian fitz Alan.<sup>66</sup> Such a position would seem to place him amongst the bishop's men, rather than the rebellious elements. Nevertheless, Birtley did enjoy the lordship of John fitz Marmaduke, and given this man's role in supporting the monks against the bishop, Birtley's appointment as a vacancy sheriff may not be so surprising. He is also interesting, however, for his performance as sheriff because, on the face of things, he does not appear to have distinguished himself; his outstanding accounts were one of the matters which the bishop himself was required to account for in July 1305, and when the outstanding

<sup>64</sup> DCM Loc. 7., no. 40.; unlisted Durham document (87) cited from Fraser, *Records*, pp. 149-51

<sup>65</sup> See below, p. 180-84

<sup>66</sup> DCM Reg. I. ii., ff. 30v-31r, 43r-v; *RPD*, IV, 100-01; see also fn. 60 above, and below for more detail on Brian fitz Alan, case study, pp. 96-107



accounts were finally closed in June 1307, they were short by £51 10s. 4d.<sup>67</sup> Nevertheless, it is unclear whether this was due to incompetence on Birtley's part, or confusion over the role of the vacancy sheriff and how far he should interpret his duties. It seems unlikely that it was due to deliberate wrong-doing as this whole affair did not hold up Birtley's accumulation of lands within the palatinate, which allowed him to favourably bestow a junior line of his family under his younger son, whose line would later outshine the senior one.<sup>68</sup> Birtley was granted 59 acres of waste land near Twizell by Bek in June 1305, a grant which he would later consolidate into a manor, and it hardly seems likely that Bek would have made such a concession had Birtley been one of his enemies; although this does not prove that he was not a swindler because it pre-dates the orders to Bek to produce the former sheriff and his accounts, it does suggest that Birtley attempted to stay as loyal to the bishop as his association with Marmaduke would allow, which is understandable under the circumstances.<sup>69</sup> Birtley re-appeared as a witness for the bishop in Bek's grant of 154 acres of land in Gateshead to Gilbert Gategang in May 1310, witnessed by: Mauley, the steward; Waltham, the chancellor; Thoresby, Insula and Bothby, clerks; Hilton, Charron, fitz Marmaduke, Washington, Whitworth, knights; and John de Usworth and John de Biddick from amongst the non-knighted gentry, a sub-division of the list which Birtley headed.<sup>70</sup> He was also the lead witness of a large group of non-knighted lesser gentry in a grant of a house and tenement in Chester-le-Street to Henry de Newsom in August, in which the only higher ranking witness was the steward.<sup>71</sup> His five year absence from the witness lists could indicate that he was out of favour because of his performance as sheriff, although there is no evidence to suggest that he was anything but an ascending member of the Durham gentry keen to court the bishop and the other leading gentry for favour and promotion.

<sup>67</sup> For this order and the account roll, cf. Fraser, *Records*, pp. 110-11; Fraser, *Bek*, pp. 188, 191

<sup>68</sup> As fn. 49

<sup>69</sup> DCM MCs 6396, 7125 (e) (f)

<sup>70</sup> DCM: Reg. I. ii., f. 43v; MC 7125 (n)

The fact that the bishop did not subsequently view him as a former enemy reflects that Bek's dealings with the gentry and the tenantry after the confiscation were not characterised by the same bitterness which his dealings with the priory certainly were.

A similarly interesting picture is provided by another early fourteenth-century sheriff of Durham, John de Creppinges. He first appears to have come to prominence as a justice; in March 1301, he was appointed by Bek alongside William de Burnton and Ralph fitz William, to work with Charron, Lithegraines and Ralph de Hengham as justices to hear the grievances of the bishop's tenants.<sup>72</sup> A year later, he was engaged in a much less respectable task when he was sent into the priory with fitz William, John Shirlock and Peter de Bolton to break into the monks' treasury and seize their common seal; he was also later accused of acting with Shirlock, Walter de Brafferton, Philip Darcy and other men loyal to the bishop to shut the priory and the monks within the city walls to prevent their escape.<sup>73</sup> He was appointed sheriff of Durham just before the confiscation of July 1302, but was subsequently removed with the rest of the bishop's officers. In the following year, he was involved in a survey of the episcopal estates, acting with William le Vavasour, fitz William and Lithegraines on behalf of the bishop, alongside the representatives of the tenantry – Neville, Marmaduke, Teesdale and Haverington.<sup>74</sup> Creppinges, however, was not indigenous to Durham. In 1304, he was made sheriff of Northumberland, but was replaced when orders were issued to send the king's justices from Newcastle into Durham in April 1305.<sup>75</sup> Creppinges was a tenant in chief of the king for his lands in Yorkshire, although the extent of these lands are unknown; he also acted a creditor for the local gentry of Yorkshire, such as Nicholas de Carrow, who acknowledged a debt of 43 marks to Creppinges in January 1292.<sup>76</sup> His

<sup>71</sup> *RPD*, II, pp. 1208-1209

<sup>72</sup> DCM Loc. No. 45, c. 27; see also Fraser, *Bek*, p. 150

<sup>73</sup> *RPD*, IV, pp. 30-39, 62

<sup>74</sup> *RPD*, III, pp. 33-39

<sup>75</sup> Fraser, 'Officers,' p. 30

<sup>76</sup> *CCR*, 1279-88, p. 353, p. 250

father Robert, had been equally associated with similar men with interests in Yorkshire, including Robert de Bruce.<sup>77</sup> The son, however, was consistent with the type of man already sketched above whose interests in Yorkshire were easily transferable across the border into the palatinate, and who forged some lasting associations there.<sup>78</sup>

As must be already evident from the lists already cited, the major local landholders and knighted gentry had a very significant role in the local administration, men such as Robert de Hilton and John fitz Marmaduke, who acted as councillors for the bishop. Hilton, as will be discussed later, was an extensive landholder in the north of palatinate, based at his manor of Hylton, near modern day Sunderland, and John fitz Marmaduke was the head of one of the two most important families in the palatinate, their position rivalled only by the Nevilles.<sup>79</sup> Such men played an important role in forging connections with families in north Yorkshire, such as the Bruces of Annandale. In August 1296, John fitz Marmaduke was caught up in the squabble between Christiana, the widow of Robert de Bruce and Bruce's son, also Robert, over her dower, which included the manor of Hart in Durham, which the family held of fitz Marmaduke, who was himself cousin to Robert de Bruce the younger.<sup>80</sup> He also had business with the Thwengs, acting as a creditor in conjunction with Robert and Marmaduke de Tweng to Adam de Creting of Northumberland.<sup>81</sup> These connections proved valuable in bringing such families into the orbit of Durham gentry; the Bruce connection was particularly valuable to the family, and the bishop, in the fourteenth century, when the community of Durham was required to levy protection money to the Scots. However, aside from the variations in position and hierarchy already noted above, it is difficult to properly define the official role of such men in the administration of the bishop before the pontificate of Bishop Kellawe who, unlike his predecessor, officially commissioned Neville and

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<sup>77</sup> *CCR*, 1279-88, p. 54

<sup>78</sup> *CCR*, 1279-88, p. 374

<sup>79</sup> See below, chapter 4, pp. 184-200

<sup>80</sup> *CCR*, 1288-96, pp. 513-14

Marmaduke for paid service as councillors, although the evidence suggests that this may have been largely due to the extraneous circumstances of his predecessor's fall-out with the leading Durham gentry rather than being indicative of a significant shift in the role of the knighted gentry within the palatinate.<sup>82</sup>

Aside from the knighted gentry, there were those men who acted as justices and occasional commissioners within the bishopric. The most prolific of the Durham based justices was Guichard de Charron; he was employed with Malcolm de Harlegh in September 1283; he acted with Peter de Thoresby as justices of assize in 1291, and a further eight times as a justice of the bishop between 1295 and 1305.<sup>83</sup> Other men employed in Durham included John de Lithegraines, who was briefly employed as a justice of assize in July 1291; he had a varied career, which included acting as sheriff of Northumberland and York, escheator both north and south of the Trent, and guardian of the archbishopric of York in 1296. Lithegraines epitomised the kind of man whose interests took in a wide scope of the north eastern counties of England, and his contribution to Durham was not marked out from his contribution to the other counties in which he acted. Others made more of a concerted impact, and combined a career in Durham with a career in royal service. The most notable of these is Ralph de Hengham, Edward I's famous chief justice of the king's bench from 1274 to 1290 until his period of high royal favour ended in his conviction for false judgement and false imprisonment.<sup>84</sup> In 1300, Hengham began to resurrect his career, initially acting as a justice for Bek, and possibly a member of the bishop's council, as well as a justice of assize at Durham in March 1305. Hugh de Louthre provides an example of a justice who found a more permanent basis in Durham; his origins lay in Westmorland, which he represented as an MP, and as the king's minister in the 1296 parliament he earned

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<sup>81</sup> *CCR*, 1279-88, p. 188

<sup>82</sup> See below, p. 65, and chapter 4, pp. 189-94

<sup>83</sup> Fraser, 'Officers', pp. 34-38, and discussed in greater detail in case study below, pp. 73-80

<sup>84</sup> *DNB*, Reprint, Vol IX, 1921, pp. 410-11



himself the curious distinction of being assaulted by Sir Gilbert Umfraville, son of the Earl of Angus.<sup>85</sup> He appears to have divided his time between serving as a member of parliament and acting as a justice in Durham, performing the function of a justice of assize in November 1300, January 1305 and September 1313, and a justice of gaol delivery in March 1301, during which period he too acted as councillor for Bek.<sup>86</sup>

Thus, within the 'three tier system' there were men employed as officers whose roots in Durham were unquestionable, in addition to men whose interests were identified more generally with the north of England, who became assimilated into the pool of lesser to upper gentry from whom such officers were drawn; in this last group can be included clerks who came from a background of royal service, but whose contribution to Durham society was more transient. Their careers reflect that a good degree of transferability of position existed, but much of the cohesive element which bound them together came from the fact that what these officers all had in common was the favour of the bishop; this cohesion was not born of a restricted or closed-off society and administration. The administration of the palatinate was by no means the preserve of those who were indigenous to Durham and the Durham gentry did not earn a leading position in it through the simple fact of their existence. It seems ironic that it was Master William de St. Botolph, a man of Lincolnshire provenance, rather than a man with stronger Durham links such as Guichard de Charron, who made the greatest claims for Durham's autonomy.

## V

It is worth discussing in greater detail the absence of the knighted Durham gentry from official positions within the administration, despite their extensive role on the witness

<sup>85</sup> *CCR*, 1288-96, p. 489

<sup>86</sup> Fraser, 'Officers', p. 35-7; *RPD*, IV, p. 114; Fraser, *Bek*, p. 103



lists. It may be that those among the higher ranks of the Durham gentry felt that taking such offices was beneath their social dignity. This could explain the curious instance noted by Constance Fraser when Robert de Hilton acted as constable of Durham Castle between November 1296 and October 1298, but was never officially styled as such.<sup>87</sup> The major appointment from what can be considered the major gentry families of the period is that of Richard fitz Marmaduke as Bishop Kellawe's steward.

Richard fitz Marmaduke, and Robert Neville were both, however, officially employed as Kellawe's councillors. 1311 was not only a watershed point because of the death of Bishop Bek, but also because of the commencement of serious Scottish raiding and the payment of protection money. As already noted, the administrative structure at Durham made it possible for the liberty to collect huge sums of tribute money, and added an extra responsibility to the job of the steward. It seems unlikely that such considerations were in Kellawe's mind when he made his appointment, but the fact remains that the job of the steward could now only be done by a member of the higher gentry who had some clout within lay society; this was the kind of influence a man like Stephen de Mauley simply would have been unable to command. Marmaduke was required to take charge of the collection of tribute money and, in one notable instance in August 1312, the new steward, with the chancellor of Durham, William de Denom, and Gilbert Gategang and John de Alainsheles, envoys of the bishopric, met with Robert Bruce to negotiate a local truce.<sup>88</sup> Such expedients thus added extra responsibilities to the positions of steward and chancellor of Durham, and heightened the shared general military responsibilities of such officers; nevertheless, in terms of the overall pattern of appointments, Kellawe followed a similar pattern to Bek.

The involvement of the higher ranking gentry in the stewardship may have had other implications. It has already been well established that Richard fitz Marmaduke had been

<sup>87</sup> Fraser, 'Officers', p. 27

<sup>88</sup> E.L.G. Stones, *Anglo-Scottish Relations, 1174–1328*, Oxford, 1965, pp. 288–89

no ally of Bishop Bek; both he and Ralph Neville shared the distinction that it had been their fathers who had led the opposition to Bek in 1301 in attempting to extract a charter of liberties from the bishop, but their shared interest ended there. Marmaduke and Kellawe had been firm allies, whilst Neville had been made to do public penance after a family scandal by the Durham Priory under Kellawe.<sup>89</sup> Nevertheless, Bishop Kellawe showed some political shrewdness in recognising the need to keep Neville on his council, in October 1311 appointing both men to it; his partiality, however, was reflected by the different levels of payment accorded to both men, Marmaduke receiving 20 marks for his service, Neville 200s.<sup>90</sup> It is also interesting to note how Marmaduke and Neville defined their position; they vied for prominence as the leading lord of Durham. Their rivalry was heightened by a whole range of factors and rivalries, which was possibly heightened by Marmaduke's position as supreme collector of the protection money which Durham paid out in lavish quantities from 1311 onwards, probably as much as £5000 up until 1328.<sup>91</sup>

The point that should be drawn from this is twofold; first, that between them, they had a dual supremacy as leading lords and officers of Durham in the period up to 1318, although only one officially held the position of steward; secondly, and more generally, that independent of their influence as councillors, the higher reaches of the gentry families seem to have been employed mainly as paid council members, and when they were officially employed in the administration, they occupied only the higher offices in Durham, such as the steward, or as keepers and custodians of Durham during a vacancy. To take another example, Henry Percy was appointed guardian of Durham in March 1311 after the death of Bek for the not insignificant rate of 300 marks per annum; another example of the gentry from north Yorkshire being drawn into the Durham

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<sup>89</sup> See below, pp. 188

<sup>90</sup> *RPD*, I, pp. 9-10

<sup>91</sup> As fn. 89

'network'.<sup>92</sup> This suggests that the high offices became more desirable for the knighted gentry in the short term, because in this changed situation, with the greater responsibility of tribute-money collection, the position of steward accorded the holder a far greater position in the eyes of both the community of Durham and other officials within the kingdom than it had done when a disreputable archdeacon had held the position. Nevertheless, the personal element of this situation must not be forgotten; after the death of his rival in 1318, neither Robert de Neville, nor his successor Ranulph, sought the stewardship at all, suggesting that it was more important to them that a rival did *not* hold the position than it was for them to hold it themselves.

## VI

The officers of the palatinate of Durham comprised men drawn from across a wide spectrum of lesser to more prominent gentry. The major officers appear to have been drawn from a wider association of gentry and clerks. This association was also fluid and certainly not restricted to the gentry of the palatinate. At its widest, it appears to have embraced men whose landed interests lay in Yorkshire, Northumberland, or even as far away as Lincolnshire; at its narrowest, it concentrated on those members of the gentry whose estates were based mainly in Durham. It also embraced a body of officials, drawn from clerks and gentry, whose careers were transferable, and transferable in a dual sense of the term; in that they were men who could uproot their positions and entirely relocate them within Durham, or they were men who could pursue careers and interests both within Durham and in their home county, or even at the royal exchequer. Apart from simply providing an understanding of the nature of these officers, what is apparent is that Durham did indeed have a strong administration that was structurally defined as

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<sup>92</sup> *RPD*, IV, p. 82

separate from the rest of the kingdom. However, all was not as clear-cut as this image of a microcosm of central government would suggest. Durham administration embraced disparate elements which mirrored the administrative structure of the county, of central government, and even elements of the past; furthermore, confusion existed over the delineation of functions between the officers. But nevertheless, cohesion **did** exist – not in the sense of a regiment, but as already indicated, in the impetus that came from above, from the bishop, who, simply by his existence at the top of this structure, provided a focal element in a localised administrative structure that was, in terms of offices, officers, and the involvement of the gentry of the palatinate, fluid. Perhaps in Master William de St. Botolph's ludicrous statement of August 1302, there was, in a different context, maybe some grain of truth?

## Case Study: The Career of Sir Guichard de Charron

Undoubtedly one of the leading lights of the administration of the episcopate of Antony Bek was Sir Guichard de Charron. Charron was a man of varied career interests, many of which can still be traced. His quiet but steady presence was found in Durham society throughout the latter quarter of the thirteenth century and the early years of the fourteenth century. He stands apart from other stalwarts of his era, such as the much less agreeable William de St. Botolph, through his ability to survive and emerge relatively unscathed from the contortions experienced by this society; this is probably testament to a more noble character, something evident from the trust which appears to have been placed in him by all the elements which comprised, or were drawn into, Durham society in this period. He was definitely one of the more successful of the career men of Bek's administration, a man with tangible local connections in both Durham and Northumberland, demonstrating the theme of transferability which has been witnessed in the careers of so many of these figures, although in stark reversal to the example of men like Botolph, whose initial interests lay outside the local area rather than within the north of England.

Charron's estates lay in both Northumberland and Durham; he was lord of Horton near the river Blyth in the former and held lands south of the borough of Gateshead in the latter. He was also the holder of a franchise at Beamish, being one of twelve other such favoured lords, including Robert Hilton, John fitz Marmaduke, Henry de Lisle, Walter de Washington and John de Gildeford, who all held rights of free warren within their lands in the bishopric.<sup>1</sup> As has already been seen, other franchise holders included the prior of Durham, John de Balliol, Ranulph de Neville, John de Greystoke, and Robert de Bruce. This placed Guichard de Charron within a leading group of favoured

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<sup>1</sup> DCM: Reg. II., ff. 124v-27r; Cart. Vet. f. 116\*v



landholders from amongst Durham society, including leading members of the Durham gentry, and men whose territorial interests were, like his, diverse; Robert de Bruce, for example, was also an important landholder in north Yorkshire, whilst Ranulph de Neville held estates in Bywell on the border between Northumberland and Durham.

Charron's estates placed him in an ideal position to influence political society within both Northumberland and Durham. His principal seat was at his Northumbrian manor of Horton, for which he obtained a royal licence to crenellate in December 1292.<sup>2</sup> Horton lay eight miles north of Newcastle-upon-Tyne, and only eighteen miles north of the city of Durham. To the north of the manor ran the river Blyth, which extended in a relatively due-west line from the coast; many of Charron's local interests were concentrated in the area of land which lay south of the line of this river, from Hexham, which lay to the west of Horton, and north of Durham City. Nevertheless, his interests could also extend wider within northern England; he was employed in a wide range of judicial business which took him throughout Northumberland and into Yorkshire, whilst mention of him is to be found as far south as Nottinghamshire, where he was given quittance of the common summons of the eyre in August 1280.<sup>3</sup> He is therefore to be found serving in the administration of the bishop of the Durham, whilst acting as an officer for both the king of England and the archbishop of York, a balance which could prove to be less than harmonious.

Although the chief concern of this study is the period leading from Bek's accession in 1283, it is important to say something of Guichard de Charron's background prior to this period, and to note that he was active in the administration of Durham before Bek's accession. Charron was descended from a Savoyard family that had settled in England during the reign of Henry III; his father had acquired their estates in Northumberland and Durham whilst leading a successful career as a royal officer in North Yorkshire.

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<sup>2</sup> *CCR*, 1279-88, p. 308.

The career of his son commenced no later than 1268 when he became sheriff of Northumberland, and from 1274 he was taking commissions of *oyer and terminer* and gaol delivery in both Northumberland and Yorkshire.<sup>4</sup> By this point, his career in Durham had also commenced promisingly; he was to be found acting as an itinerant justice of assize in the palatinate alongside Robert de Neville, Thomas de Herrington and Alan de Walkingham in 1279 and by the time of the death of Bishop Robert in 1283 he was the bishop's steward, in which capacity he most probably continued to act in the first year of Bek's episcopate.<sup>5</sup> Therefore, it appears that by the early years of the reign of Edward I, the Charrons had successfully made the transition from one of the many, and often hated, alien families who had re-located to England during the reign of Henry III to a well respected family who enjoyed the confidence of significant local magnates such as the bishop of Durham, and who, more importantly, could be identified as leading members of the group of noble and gentry families who led the political society of northern England, and particularly Durham. Assuming that he began his career in 1268 as a young man in his twenties, it can be concluded that by his mid-thirties he was an influential councillor of both Bishop Robert, and then Bishop Bek.

It is evident that Charron's position in northern society was recognised by the crown, which also held him high in its confidence. On 13 June 1283, he was appointed alongside Malcolm de Harlegh as a keeper of the bishopric until 4 September, when the temporalities were restored to Bek as bishop elect.<sup>6</sup> Despite one minor grant at the request of the king<sup>7</sup>, they appear to have successfully, and honestly, maintained the integrity of the liberty; orders which were issued to audit their accounts the following

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<sup>3</sup> *CCR*, 1279-88, p. 61

<sup>4</sup> *CPR*, 1271-81, pp. 69-71, 180-83; *CPR*, 1281-92, pp. 47, 50, 64, 69, 73, 103, 143, 204, 208, 453, 512

<sup>5</sup> Lapsley, p. 79, n.6

<sup>6</sup> *CPR*, 1281-92, pp. 66, 74

<sup>7</sup> Edward I ordered Charron and Harlegh to award to Master Robert Avenel, a royal clerk, four bucks from Stanhope Park within the liberty of Durham 'of the king's gift' in June 1283, although this appears to have been the only use of the avoidance of the see for the purpose of reward of royal servants. *CCR*, 1279-88, p. 210

Easter show no record of any irregularities having emerged, although somewhat puzzling is an acquittance to the keepers in the previous September of £1,333 6s. 8d. due to Master William Louth, keeper of the wardrobe, from the issues of the bishopric.<sup>8</sup> It is not clear exactly what this sum was for; it was most likely a debt incurred through the day to day running of the palatinate.

Nevertheless, the vacancy of the see of Durham was an opportunity for more than simply secular encroachments upon the integrity of the liberty; it also opened the way for incursions from those with an interest in the bishopric, such as the archbishop of York, William Wickwane, who had been at odds with Bishop Robert over the metropolitan status of Durham at the time of his death and who tried to exploit the vacancy to exert his claim in person, causing an uproar in the city. At the very least, Wickwane's visit was highly untimely and inappropriate, and required swift action by Charron and Thoresby to intervene, and to save his skin. Both must have found Wickwane's action highly exasperating, and they would not have been allowed any luxury of partiality in this matter. Their action in defending the archbishop can be seen as a necessary part of their job exclusive of their personal concerns. Thus to act as keeper of the bishopric of Durham was to tread a fine line between rival modes of authority and social pressures, and maybe both men were relieved to relinquish this role in September 1283 when Antony Bek took over the reigns of the administration.

# I

The appointment of a new bishop brought with it a change of personnel in the administration. Charron was replaced as steward probably within a year of Bek's appointment. His position in Durham in the 1280s is difficult to discern, although it is

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<sup>8</sup> *CCR*, 1279-88, p. 259; *CPR*, 1281-92, p. 75

evident that by 1290 at the latest he was a significant councillor of the bishop. Charron's speciality was in the judicial sphere; he had served as justice of gaol delivery and commissioner of *oyer and terminer* in Northumberland and Yorkshire in the 1270s and 1280s and, as has already been mentioned, he had also acted as a justice of assize for Bishop Robert in 1279 alongside Robert de Neville, Thomas de Herrington and Alan de Walkingham, which meant he had ample experience of how to apply his skills within the Durham administration. The itinerant justices of assize in Durham toured the county one month after the usual English legal terms, most probably, as Constance Fraser has already suggested, to allow the presence of justices who served the king to be present.<sup>9</sup> This seems particularly likely when one considers the number of royal clerks who are to be found appointed as justices of assize in Durham, men like John de Lithegraines, who was active in Yorkshire in the same capacity, or Ralph de Hengham, the great chief justice. Most of the cases they would be called upon to hear at these sessions would concern the ownership of land, although some could deal with violent crime. In serious cases, or those involving men of higher rank, such as Robert de Bruce, who was engaged in a dispute with his tenants over scutage in 1279, cases would be referred to the bishop's court, which consisted of the whole panel of the justices itinerant to adjudge the case.<sup>10</sup> This reflects something of the position of these men in relation to the society with which they dealt; they were obviously allowed a fair degree of autonomy in dealing with most cases, most probably dividing the two counties which comprised the palatinate between them, but coming together collectively to deal with members of the higher gentry. Thus, in this role they would be interacting with, and therefore important factors within, all levels of Durham society.

During their keepership of the bishopric, Charron and Thoresby were, by default, employed as justices too; they appear to have been successful and highly valued in this

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<sup>9</sup> Fraser, *Bek*, p. 82



position. Throughout the next twenty years they appear, from the surviving evidence, as the two men most regularly appointed as justices 'itinerant' or of assize.<sup>11</sup> There is no record of justices of assize appointed between September 1283 and July 1291; it seems likely that Charron and Thoresby were retained as justices by Bek upon his accession and then replaced in due course. In any case, they were already sitting as justices of assize on 20 July 1291, when Bishop Bek associated with them John de Lithegraines to hear pleas and transgressions in the liberty.<sup>12</sup> This order is also interesting for passing reference made to Ranulph de Neville, who issued the writs summoning these men to take assizes. This reflects those men who can be proven to having held an active role as a councillor of Bek rather than merely assuming their presence on the bishop's council simply because of the relative social status of their family.

It is evident that Charron and Thoresby were also sitting as justices in the following year when they witnessed a confirmation of a grant by Thomas de Herrington of his manor of Houghall to the prior and convent of Durham in August 1292, in which both men are referred to as 'justices' of the bishop.<sup>13</sup> Unfortunately, other witness lists are less helpful in tracing their appointment as justices; it can definitely be determined that both were itinerant justices of assize in January 1295 when they are listed in that capacity, alongside other undefined 'faithful men' of the bishop, as witnesses of a final concord between Bek and John, son of Gilbert Hansard, over the status of two thirds of the manors of Evenwood, Morley and Fulley.<sup>14</sup> Nevertheless, the witness lists of those writs which are not concerned with business involving these men in their capacity as justices, rather than simply as witnesses, generally have no need to list this status; put

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<sup>10</sup> Fraser, *Bek*, p. 83

<sup>11</sup> DCM Reg. I. ii., ff. 33r

<sup>12</sup> DCM: Loc. 4, n. 156; Reg. I. ii., 7. 89v.

<sup>13</sup> DCM: 2.14.Spec.19; 3.2.Pont.15; Cart. II., ff. 237v-8r; Cart. III., ff. 219v20r.

<sup>14</sup> The ownership of these manors was transferred to the Bishop, who immediately re-granted the same back to John to hold as his tenant, cf. *RPD*, III, pp. 68-70



simply, the existence of writs which do not say that Charron was a justice in a particular year, does not mean that he may not have been acting in this capacity at the same time.

In any case, it is clear that Charron and Thoresby continued to work closely together as justices up until 1300. They appear as justices in July 1296, associated with Roger of Maidstone and Richard of Coxhoe.<sup>15</sup> Coxhoe had been the recipient of a grant of 60 acres of reclaimed wasteland near Tursdale in December 1293, of which Thoresby and Charron had been amongst the witnesses, and a further grant of 45 acres of similar land near Tursdale was made to him in October 1298, witnessed by William de St. Botolph, Thomas de Levisham, Peter de Thoresby, Charron, John fitz Marmaduke, Gilbert de Heworth, Walter de Bermeton, Thomas Chancellor and various others.<sup>16</sup> Coxhoe was not a member of the group of councillors who surrounded the bishop on a day-to-day basis, and who regularly appeared on such witness lists; rather he seems to be one of the middle ranks who were occasionally associated in the business of the bishop. Roger of Maidstone, however, is more difficult to pin down, as is the reason why both he and Coxhoe were associated with the tried and tested Charron and Thoresby in this year; it seems most likely that this may have been due to a greater level of business pending in this year and that Coxhoe and Maidstone were two competent clerks ordered to assist. Indeed, in April 1298, Charron and Thoresby were again listed as justices, this time without extra assistance.<sup>17</sup>

Charron continued to act as a justice in 1300, but with a different mandate and with different colleagues. By this point, squabbles between Bishop Bek and his free tenants, led by John fitz Marmaduke, had reached a new intensity. The free tenants secured from Bek the appointment of justices to hear their grievances against his officers. Thoresby, as chancellor of Durham, may have been considered too close to the administration for

<sup>15</sup> Fraser, 'Officers', p. 35

<sup>16</sup> DCM: MCs 6414, 6415, 6416; Reg. I. ii., ff. 42r, 30r-v.

<sup>17</sup> Fraser, 'Officers', p. 35

such a task. The men eventually appointed with Charron had some degree of independence from Durham, as well as distinguished legal careers; Ralph de Hengham, whose various appointments under Edward I included chief justice of the king's bench between 1274 and 1289, and later chief justice of common pleas in 1301, and John de Lithegraines, with whom Charron had previously served as justice of assize.<sup>18</sup> These two were ideal appointees: Lithegraines had served in Durham before but his interests were generally identified in Yorkshire so he could not be considered partisan, whilst Hengham's Westminster career assured his impartiality. That Charron, as a man with tangible Durham interests, was not only engaged to act with them, but appears to have been acceptable to the free tenantry of Durham as trustworthy enough to act in this capacity, is further proof of his integrity.

Nevertheless, the practical effect of these appointments appears to have been slight. This is most probably the reason for a change of personnel in October, substituting Lithegraines and Hengham for William de Brompton, a man of a similar mould to Hengham who had pursued a career as a royal justice in the 1270s, holding the positions of both justice of common pleas and keeper of the rolls and writs of the king's bench until 1279, after which he had entered Bek's favour as a councillor and justice. A rapid thoroughfare of personnel was witnessed yet again next month; Charron and Lithegraines were dismissed in favour of a panel of justices of assize consisting of Brompton, Hugh de Louther, another royal justice, and John de Creppinges, a northerner with Durham connections who would later act as sheriff of Durham.<sup>19</sup> This rapid succession of personnel was most probably prompted by the continued agitation of the free tenantry for justices who would in fact hear their grievances, for try as they might to compel them in this matter: 'the justices declined to hear complaints

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<sup>18</sup> *Ibid*

<sup>19</sup> Louther would also act as Bek's justice of gaol delivery in March 1301. For Creppinges' career, see chapter 2 above, pp. 61

specifically against the bishop or mr. William de St. Botolph, his steward, as being beyond their competence; and the free tenants, in accordance with their oath, resolved to bring their complaints before Edward I in parliament.<sup>20</sup>

Although displaced as justice, Thoresby, who had held the position of chancellor of Durham since 1290, was hardly idle in these years; he had become embroiled in 1300 in the conflict between Bek and the priory of Durham, acting as the keeper of many confiscated priory estates in that year until his replacement by Sir Thomas de Richmond.<sup>21</sup> Thoresby had been replaced in this capacity early in 1300 after proving too keen for Bek's liking to restore estates to Prior Hoton; thus his absence from the assizes in these years may also reflect some wavering in the confidence previously vested in him, although this cannot have been any matter for serious concern as he retained his position as chancellor of Durham and resumed his position as a justice in the next year, alongside Charron. Although Charron generally maintained his position as justice, this period also began to witness a shift of the centre of his interests for, as will be shown below, he was becoming increasingly involved in business at Newcastle.<sup>22</sup>

During 1301, William de Brompton maintained the influence he had cultivated in Durham, acting alongside Charron and Thoresby as justice. One of the most pressing concerns for these men was the continuing hostilities between Prior Hoton and Bek, who was stubbornly maintaining his siege of the Priory of Durham. In Bek's absence from Durham, Brometoft had presented letters of royal protection for the monks in Durham Castle, but upon presenting his letters, he was slung into the dungeon by Sir Philip Darcy, constable of the castle, for exhibiting royal letters which, by their very nature, infringed upon the regality of the bishop.

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<sup>20</sup> Fraser, *Bek*, p. 150

<sup>21</sup> *RPD*, IV, 15-19; DCM Loc. 7, no. 70 (115)

<sup>22</sup> See below, pp. 88-91

The events of that day are unclear, as is the role which the bishop's three justices, Brompton, Thoresby and Charron, played in this affair. Darcy could not have proceeded without their collusion. It is likely that Brompton himself may have been appointed 'chief justice' in the bishop's absence.<sup>23</sup> Thoresby was also chancellor of Durham, and thus controlled the mechanisms of judicial procedures and arrests, whilst Charron, a man who had acted as steward, sheriff, justice and councillor to the bishop, had similarly high status. The level of collusion of these men, and Charron in particular, is crucial when attempting to define where their loyalties lay, and how their careers were shaped by such loyalties. The picture presented of Charron's career up to this point would, on the face of it, suggest that he would have been partisan to the interests of his master, the bishop, and supported Brometoft's arrest. If Brometoft had used the letters from the king to interfere with the Bishop's officers as Darcy claimed then this was something which the justices could not ignore; indeed, on 19 March, Sub-prior Richard de Kellawe met with the justices in the Hall of Pleas in Durham Castle to 'request the observance of the king's protection, but the bishop's justices refused to admit the validity within the franchise of any writ or protection save that of the bishop.'<sup>24</sup>

Nevertheless, this situation was fraught with difficulties for the justices; the question of ultimate regality in Durham had ambiguities enough, but they also had to consider their position *vis-a-vis* the king. The arrest of Brometoft was not a matter to have been taken arbitrarily or without good cause. Brompton, Charron and Thoresby, all men of noble standing who would have been uncomfortable with Darcy's heavy-handed methods and who probably had enough standing of their own to object had they felt his actions were unjust. It is apparent that they were not acting on instructions from the bishop, who genuinely was not aware of the arrest until it had taken place. Nevertheless, men like Charron certainly could not afford to be wholly partisan to either the bishop or

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<sup>23</sup> Fraser, 'Officers', p. 35



the king; had his interests and estates within and without Durham hinged on a personal relationship with the bishop, like those of Botolph did, it would have been a different story, but they did not - they placed him in the position of both a royal and an episcopal servant. As easy as it would be to see him as a Durham partisan, it would also be incorrect; he simply could not afford to be so. Thus it seems most likely that these judges were simply behaving, and ruling, in the fashion which they felt was most just.

The good character of the justices leads one to believe that there was some truth in the claim that Brometoft had exploited his possession of the letters to act inappropriately. Indeed, it may even be the case that Bek had been deliberately ensnared in this matter by the prior's man; surely, after the violent scenes in the city, which had displayed a marked lack of respect for either law and order, place of worship or the position of clergy, Brometoft was not so naïve as to assume that he could stride into Durham Castle, wave letters of protection under the noses of the assembled company and then stride back out unmolested? With knowledge of the character of both Bek and his officers, Brometoft must have known what reception he would receive. Furthermore, he must have been aware of the dilemma in which he was placing the bishop by refusing to be released on bail; although he was technically correct in refusing to be released in this manner, the action in itself seems deliberately calculated to cause trouble for Bek. The events of May 1301 seem suspicious enough to suggest the possibility that the prior was playing a clever game to wrong-foot the bishop. What is interesting, though, is that Charron coped with divided loyalties, and although he ruled in favour of the bishop, a lost cause in this case, he still remained within the confidence of the king, as will be demonstrated later. Certainly, in the aftermath of the event, and the king's wrath, it was the bishop who took the blame, rather than his officials.

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<sup>24</sup> Fraser, *Bek*, p. 155



The consequences were another matter however. Such an action was a serious affront to the king, whose involvement up to now had been largely impartial. Upon his return to Durham, Bek immediately made inquiries with Darcy about this matter and reported to the king and his council at a meeting at Tynemouth Priory on June 22 that Brometoft had been seized for 'various trespasses, including striking the bishop's men and removing goods from Durham priory'. Upon learning that Brometoft had been seized for displaying the letters of royal protection, Bek had ordered his release if suitable men were prepared to stand bail for him, but Brometoft had steadfastly refused to be released in such a manner, for as the holder of royal letters of protection he had no need of mainpernors. In the event, Brometoft had remained imprisoned for a month after Bek had been aware of the real reason for Darcy's seizure of his person, which left the bishop without any real case before the king, at whose pleasure he accordingly placed himself.<sup>25</sup> In the subsequent Ormesby assizes, cases were directed, as has been seen, not only against the bishop but against his executive officers, including Guichard de Charron. The mainpernors of Charron and Peter de Thoresby included prominent gentry with distinct northern connections, such as Robert de Hilton, the Yorkshire baron Marmaduke de Thwenge, William le Vavassour, Edmund Deyncourt and Henry le Scrop, as well as lawyers and royal justices such as Hugh de Louthur, Walter de Friskene, Walter de Rothbury and John Shirlock.<sup>26</sup> That Charron and Thoresby could call upon such respected men is indicative of their position; in the end, neither had need of such distinguished support as cases were not brought against them, which is also indicative of the respect with which they had dealt with the community of Durham, unlike men like Botolph, who was heavily fined and slung into prison.

The liberty had been confiscated for exactly a year when, on 8 July 1303, King and Council agreed to restore it to Bek in view of most of the outstanding grievances with

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<sup>25</sup> *Parl. Writs*, I, 108-9

the commonalty having been agreed, saving the cases still outstanding and the grievances of the prior, who was required to press Edward in March 1305 to make good on the promise to send royal justices to Durham to hear the remaining cases.<sup>27</sup> The evidence shows that Charron and Thoresby had resumed their role as justices after the restoration; they were certainly acting as such from January 1304 and witnessed the concord of a feet of fine between John de Brunninghill and William de Akford in Coxhoe in March 1304, whilst Thoresby was acting as justice of assize alongside Hugh de Louthur, Lambert de Trikingham, a royal justice of common pleas, and Richard de Stanley in the county of Sadberge, within the liberty, a year later.<sup>28</sup> Charron, Thoresby and Trikingham were sitting as justices of assize for Bek on 26 March 1305 when Edward ordered William de Bereford and Roger de Hengham to hear the outstanding cases from the Ormesby assizes in Durham as justices of *oyer* and *terminer*, and ordered that John de Sheffield, royal clerk, should succeed John de Creppinges, Bek's clerk, as sheriff of Durham for the duration, although it appears that the bishop's administration continued to run for at least another month, demonstrating the complexity involved in judicial administration within Durham in this year. This situation was fraught with potential clashes of authority, but it seems that the men who acted in the capacity as justices at this time rose above such conflicts; Charron and Thoresby had both worked with Bereford and Hengham in the past, and although in this case they were acting in the interests of different manifestations of authority, they all worked professionally in their own spheres of authority. But what were the practical implications and problems of realising this separation of authority in this situation, and furthermore how did the local community respond to these different manifestations of authority? These are

<sup>26</sup> Fraser, *Bek*, pp. 183-4, n. 5

<sup>27</sup> *CPR*, 1302-7, pp. 100-103; *RPD*, III, pp. 61-67; Fraser, *Bek*, p. 194, n. 1

<sup>28</sup> *RPD*, Vol IV, p. 355; Fraser, 'Officers', p. 37

questions which must remain unanswered for now, but they serve to illustrate the situation within which these men were required to act.

Just as it was possible to find men like Hengham or Bereford serving the bishop one year and the king the next, it proved just as possible to find a man like Charron making a similar transfer, but inversely, acting as a justice of *oyer* and *terminer* for the king in Durham in March 1307.<sup>29</sup> Such an occurrence is significant for the fact that it involved Charron and is the only surviving example of him being required to act in a position of authority within the liberty which was *not* on behalf of the bishop; he was appointed in June 1306 alongside William de Bereford, Henry de Gildeford and Geoffrey de Hartlepool. It is also significant that he was employed by the king in the continuing business of attempting to clear up outstanding cases *against* the administration of Bishop Bek, and this says much of the confidence placed in him.<sup>30</sup> This business included hearing included cases such as the affair of John de Sheffield, MP for Northumberland in this year, who, in an attempt to ingratiate himself with Bek as the newly appointed Patriarch of Jerusalem upon his return in high pomp to England in May, neglected to summon the appearance of Bek's attorneys at the king's bench to answer a plea brought by Hoton for a debt of £500. Sheffield was ordered not only to produce Bek before Charron and the other royal justices at Trinity to answer for this debt, but to answer for making false returns in this case.<sup>31</sup> As nearly the last surviving record of Charron's appointment as a justice within the liberty, this is one of the most interesting, and indicates the beginning of his interests shifting away from Durham to Newcastle. Nevertheless in spite of this shift, it would seem safe to say that as a justice in the liberty of Durham, he maintained his influence and involvement until the final years of his life. These were also duties which he discharged honourably; he was trusted

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<sup>29</sup> Fraser, 'Officers', p. 38

<sup>30</sup> CPR, 1301-7, p. 476

<sup>31</sup> Fraser, *Bek*, p. 201, n. 6

alike by both the bishop, the crown and, most importantly, by the local community, to represent all their interests within the palatinate, and where he did favour one side over the other, he did so for reasons which he felt were just, rather than for the sake of partiality or desire for gain.

## II

The role of Guichard de Charron in the administration of Durham extended beyond the realm of the judicial. It has already been established that he had held other significant positions of authority in Durham, although he appears to have been largely absent from official business in Durham in the period immediately after Bek's appointment as bishop. His return to favour was marked by his appointment as sheriff of Durham, a position he was certainly holding as late as September 1290, during which time, as has already been seen, Peter de Thoresby was acting as chancellor.<sup>32</sup> Although it is less easy to trace Charron's career in Durham in the 1280s, what can be said with certainty is that, independent of his role as a justice, he appears to have been a central councillor of the bishop during the years from 1290 onwards. This period also enables attempts to be made to structure the hierarchy of the council through the ranking of witness lists; this makes it possible to place Charron specifically into a group of gentry families the heads of which can be regarded as the premier gentry of the liberty in this period.<sup>33</sup>

For a more accurate picture of Guichard de Charron, attention needs to be paid to his career outside Durham. As the previously cited example of his involvement with a confirmation of lands pertaining to Yorkshire suggests, he was active outside Durham and Northumberland. This seems unsurprising when one considers the type of men with

<sup>32</sup> DCM Reg. I ii., f. 33r-v

<sup>33</sup> For Charron's position in the witness lists of Bek, and the full significance of, see above, chapter 2, pp. 35-37, 39-45



whom he was associated, men like John de Lithegraines, whose connections extended across northern England, or like Walter de Bermeton, whose connections extended across the country. Charron was definitely one of their number; he can be ranked alongside men who, whilst strictly speaking Yorkshire barons, were involved in Durham society; men such as Brian Fitz Alan, for example.<sup>34</sup> In January 1291, Charron was employed alongside William de St. Botolph on a royal commission of *oyer and terminer* to determine who had broken into and hunted deer within Brian fitz Alan's park at Cudleston in Yorkshire.<sup>35</sup> Such transferability of personnel proved valuable in creating both social and administrative connections across county boundaries, and would have been particularly useful in a society as fluid as that of northern England.

Charron continued to act in Yorkshire as a general commissioner of *oyer and terminer* on an irregular basis. He was employed with Thomas de Normanvill, a royal justice who acted as escheator both north and south of the Trent during his career, on matters relating to men from Yorkshire in June 1282, when both were required to make investigations concerning men from Yorkshire who had taken out a private retribution on the lands of the prior of Watton in Westmorland for his activities in collecting a tenth from them in the diocese of York, and distraining the lands of many of them in the process; the prior also claimed that the same men had ambushed his officers at the town of *Leghening* whilst they were transporting the money to York.<sup>36</sup> Next May, Charron was engaged with Geoffrey Aguillon investigating those who had broken into the Swaledale park of Gilbert de Gaunt whilst he was fighting in the king's army in Wales, stealing his deer and assaulting his men.<sup>37</sup> He was also required to act upon cases which involved more serious crimes than petty theft or assault; in June 1285, he heard an

<sup>34</sup> Fitz Alan's career is also discussed in the following case study.

<sup>35</sup> *CPR, 1281-92*, p. 513

<sup>36</sup> *Ibid.*, p. 47

<sup>37</sup> *Ibid.*, p. 64



appeal with William de St. Quintino brought by Juliana Pereheved against the Abbot of Selby and a huge gang of local men for the death of her husband.<sup>38</sup>

It is also significant to note that some of these commissions required Charron to act with men with whom he had worked in Durham as justices. On 24 January 1304, for example, he was appointed to a commission of *oyer* and *terminer* with William de Bereford, Hugh de Louthur and Nicholas de Warwick on a complaint by Robert de Clesby, that Richard de Hudelston, various members of his family, and various other men, assaulted him in his woods at Bereford-on-Tees and stole timber from him for good measure. Bereford and Louthur had both acted as justices in Durham with Charron, as had Lambert de Trikingham, who was later associated to act with the commissioners in June 1304.<sup>39</sup> The number of cases which required the attention of Guichard de Charron does not seem to have been particularly large, but goes some way to suggest that he was one of the pool of northern men from which the crown could draw to transact a variety of judicial business across the north of England.

It would be more logical to find him particularly engaged where his local interests were most concentrated, which would explain why there are more numerous examples of his judicial career in Northumberland than in Yorkshire. In fact, some of this business linked his interests in Yorkshire with those in Northumberland; for example, on 24<sup>th</sup> August 1284, he was employed with Normanville on another commission of *oyer* and *terminer* concerning those who had entered a free chace held by the archbishop of York in Hexham in Northumberland.<sup>40</sup> He also worked with a wide variety of Northumbrian gentry; in October 1282 and July 1283 he was associated with Geoffrey de Aguillon, again dealing with cases of murder and violent disputes between various families over the possession of land, including cases involving lands of the Lumley

<sup>38</sup> No less than 40, which number also included 5 monks from the priory of Selby. *CPR*, 1281-92, p. 208

<sup>39</sup> *CPR*, 1301-7, p. 273, p. 278

<sup>40</sup> *CPR*, 1281-92, p. 143

inheritance.<sup>41</sup> Charron also acted as commissioner of *oyer* and *terminer* with Walter de Brumpton in July, later a colleague of his at Durham, in a murder and robbery case, and with Walter Camhou in October concerning the much less serious complaint of Thomas de Carliolo against Hugh de Hexham, who 'had a vacant place near the house of the said Thomas in Newcastle-upon-Tyne, [and had] dug so deeply there as to damage the said house', although this was more likely due to over-enthusiasm rather than malicious intent; Charron and Camhou acted as commissioners of *oyer* and *terminer* again in May 1290, alongside Richard Knout and William Heron in a murder investigation, and in January 1291 at the court of the priory of Tynemouth with Robert de Bertram, on a case concerning robbery.<sup>42</sup>

There appears to be a pattern of short-lived judicial associations in Northumberland in these years; it was common for Charron to work closely with a man like Aguillon in a particular year, or for a couple of years, on commissions of *oyer* and *terminer* and then to work closely with another man for a similar period of time. In 1285, for example, he worked with John de Lovetot on two commissions in Northumberland, both of which featured the same group of defendants, Robert Affard, John de St. Edwardo, John le Keu, Robert de Stutevill, his father and wife, James de la Garderobe and Nicholas le Vyelur; the first brought by Richard de Elvelond for the murder of his brother, the second brought by Agnes de Benerig, for the burning of her house at Mitford.<sup>43</sup> Charron and Lovetot had evidently been charged with cracking down on the criminal activities of this band of malefactors in this year.

However, Charron also had to deal with men of a greater social status than these common miscreants; in the same year he was commissioned with John de Kirkby to investigate the claims of William de Umfraville that his cousin Gilbert de Umfraville,

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<sup>41</sup> *Ibid.*, p. 69

<sup>42</sup> *Ibid.*, 1281-92, p. 103

<sup>43</sup> *Ibid.*, 1281-92, p. 204, p. 205

earl of Angus, had rampaged through his market at his manor of Elsdon with a large retinue of men, laying waste to his buildings, assaulting his men and making off with produce.<sup>44</sup> The Umfravilles were an influential family in these years, important landowners in both Scotland and Northumberland, where they were ranked high among the nobility; matters pertaining to them could only be handled by persons with discretion, tact, and a fair share of their own social standing, which says much of the position of Charron and Kirkby. Gilbert de Umfraville continued to prove himself bothersome in the troubled years which followed this grant; the Umfravilles were one of those so-called 'disinherited' families who fell foul of Edward I's wars in Scotland as soon as these started to go awry, and by the early 1300s they had lost much of their land in Scotland. Under such family pressures and the uncertainty of personal fortunes, many members of the former nobility increasingly turned to less noble pursuits, as did Gilbert. In July 1304, Guichard de Charron was engaged with Hugh de Louthier and Adam de Middleton, a prominent Northumbrian knight, to investigate claims by the abbot of Newminster that:

Gilbert de Umfraville, Thomas de la Cusine, John son of Richard de Horsley, William Fucarman and Adam de Weardale and others, impounded the beasts from his ploughs on the high road at Brerylawe, chased others in his several pasture at *Rughop in Chiviot Moor* [Rowope in Kidland/Cheviot Moor] with dogs as far as Harbottle, within the said Gilbert's liberty of Redesdale, and impounded them there; took others in his close at *Raset* [Tarset?] and chased them to Otterburn and impounded them there; took others in his several pasture at Filton and impounded some at Prudhoe and some at Harlowe, and kept them so that many of them died; and beat his servants in *Epprespeth* [Hepparth?] in Cheviot Moor, co. Northumberland.<sup>45</sup>

<sup>44</sup> *CPR, 1281-92*, pp. 206-7

<sup>45</sup> Where possible, modern place and personal names have been substituted; italicised place names are the original followed by the presumed modern equivalent in [brackets], *CPR, 1301-7*, p. 280

It may have been difficult to make headway on this case as this commission had to be re-issued on 15 March 1307; it is not known how this case eventually concluded, but presumably some kind of arrangement was made. Again, though, this witnessed Charron working with important royal justices and prominent local men in cases dealing with local nobility.

Thus, Charron was active as a commissioned justice in both Yorkshire, and to a greater extent within Northumberland, during the same time as his career in Durham. It may be significant, however, that the vast majority of these commissions were issued in the period 1282 to 1291, with particular density in the years 1283-85 inclusive. There is no record of him being appointed to any commissions of *oyer* and *terminer* between 1291 and 1304, which is the period in which it has already been noted that his career in Durham flourished; this would suggest that he shifted the focus of his interests from these counties to the palatinate, and would also lend credence to the argument that he was not as active in Durham in the 1280s as in 1290s. It also seems significant to find him re-entering royal service as a commissioner of *oyer* and *terminer* in 1304, a year before the second confiscation of Durham, and only two years before he was employed, first, as a royal justice within Durham and, later, as a royal commissioner of *oyer* and *terminer* in the said liberty; this evidence is consistent with the picture already presented of a new shift in his career from 1304 bringing him back to royal service.

Nevertheless there is another significant facet to his career which can be witnessed in the 1300s. This period is distinctive because of his renewed interest in affairs relating not only to Northumberland, but in particular to Newcastle-upon-Tyne. In addition to his career as a commissioner of *oyer* and *terminer* in Northumberland, he had also acted briefly as an itinerant justice; on 20 March, 1293, he had been associated with Walter de Camhou and Hugh Galun, (replacing Thomas de Fishburn), as justices in eyre in the



liberty of Tynedale.<sup>46</sup> He had worked with Camhou previously as a justice of gaol delivery in Newcastle in February 1290, when in conjunction with Richard Knout, they bailed Godfrey le Taillour of Morpeth for killing another man in self defence.<sup>47</sup>

Given the distribution of Charron's estates, a renewed interest in affairs at Newcastle makes perfect sense. By the 1300s, Charron was likely in his late fifties or early sixties. Newcastle was situated roughly mid-way between his manor of Horton and the city of Durham and from simply a practical point of view it was not only easier to reach, but directly on his way south to attend Bek's council. With the combination of his own increasing age, as well as Bek's increasing knack of throwing himself in at the deep end in his dealings with both his subjects and the Crown, it could be considered eminently sensible to concentrate on career interests which were not only outside Durham, but also ten miles closer to home. This was also relatively easy to make into a reality due to the continued confidence of the Crown in his abilities and the respect of local society.

Beyond his experience as a commissioner of *oyer* and *terminer*, he had already had some official dealings with the men of Newcastle. In 1292, he had testified at Newcastle Gaol for his findings in a case concerning Robert de Horsley, that Robert had killed a certain Adam del Hogh in self defence, and in December 1299 he and William de Felton supplied evidence to pardon one of his neighbours, Thomas de Milburn, for the death of Henry le Yunge, and to pardon William de Bereley for the death of Adam Roust.<sup>48</sup> His role had also extended into financial administration; back in April 1286 he had acted alongside Thomas de Normanvill as an auditor of the accounts of the collectors of murage, a role he re-visited in August 1299, acting on this occasion with John de Insula, and in the same month, he was also appointed by the Crown as its representative at the port of Newcastle in a nationwide mandate concerned with the high level of evasion of

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<sup>46</sup> CPR, 1292-1301, p.4, p. 8

<sup>47</sup> CCR, 1279-88, p. 68

<sup>48</sup> CCR, 1279-88, pp. 226-7, CPR, 1292-1301, p. 484, p. 485



wool customs – his role, specifically, to impound and inspect all wool to make sure that it had been correctly customed before it was released.<sup>49</sup> It is significant that to both these areas of administration at Newcastle, the judicial and the financial, Charron was suddenly re-appointed in 1299. In November, a writ of array was issued to Walter de Huntercumbe, appointing him captain of the garrison at Newcastle, which was to be arrayed by Guichard de Charron, John de Swinburn and Roger Corbet.<sup>50</sup> This serves as further evidence that it was not difficult for Charron to integrate himself more closely into Newcastle's political society in 1299.

Although Charron had been absent from the Northumbrian political scene for a number of years, having acted as royal sheriff as long ago as 1268, he would certainly still have had the social connections in both the county and in the city of Newcastle-upon-Tyne, as one of its more prominent outlying lords, to more than compensate for this. His integration into that political society is characterised in the fourteenth century by his role as a justice of gaol delivery; from 1301 to 1308, he is to be found mentioned on at least seven separate occasions as the justice for gaol delivery in all years except 1305 and 1306, years in which his commitments in Durham were sufficiently heavy to warrant his full attention there. As already noted, Charron had previously acted as justice of gaol delivery in February 1290, but he had not acted in this capacity since due to his commitments in Durham.<sup>51</sup> Most of his duties from 1301 onwards relate to providing evidence for the pardon and detention of felons. In February 1301, he procured a pardon for Henry and Hugh Todd of Alnmouth for the death of William Hulhope on the grounds that William was 'a Scot, the king's enemy and felon', so it

<sup>49</sup> *CPR, 1281-92*, p. 236, *CPR, 1292-1301*, p. 432, *CCR, 1296-1302*, pp. 316-17

<sup>50</sup> *CPR, 1292-1301*, p. 387

<sup>51</sup> *CCR, 1279-88*, p. 68

really did not matter that he had suffered his demise, whilst pardons were also provided for reasons of self-defence, fits of madness and, most ambiguously, 'misadventure'.<sup>52</sup>

It is more difficult to see any patterns of association in the men who were associated with Charron in this position. The pardon issued to the Todds of Alnmouth came on the testimony of Charron and Hugh de Multon as justices of gaol delivery at Newcastle, whilst the following year he was engaged with Hugh Gubiun on a commission of gaol delivery at Newcastle. There may have been some element of consistency, though; in January 1303, Charron was acting as justice of gaol delivery with Adam de Crokedake, who issued a pardon to Edmund Walerand for robberies in Scotland, and later in October 1304, both men are referred to again in the same capacity, issuing a pardon to Norman Miller of North Middleton. Nevertheless, in March 1307 Charron acted as justice of gaol delivery in one case with John de Camhou, whose father he had acted with in 1290, as well as John de Vallibus, and in another case of the same month with Hugh de Louther and Richard de Horsley. In general, however, the men he acted with varied and were sometimes not even listed; for example in February 1308 the mayor, coroners and bailiffs of Newcastle were ordered to delivery numerous valuables of the executed felon John de Aston to John de Sheffield on the testimony of Guichard de Charron 'and his associates', justices of gaol delivery.<sup>53</sup> What these examples do serve to demonstrate, however, is the regular involvement and interaction of Guichard de Charron with the society of Newcastle-upon-Tyne during this period; and if one takes this into account with his renewed career as a royal commissioner in Northumberland and his existing career in Durham in these years, then it presents an impressive record.

<sup>52</sup> For the case of the Tods of Alnmouth cf. *CPR, 1292-1301*, p. 576. Norman le Miller of North Middleton was pardoned for killing John Scot in self defence in October 1304, whilst William Gray of Stanford was pardoned for killing Walter Scot of Stanford 'in a fit of madness' and John le Smewrigh of Chatton was pardoned for killing Adam le Provost of Chatton 'by misadventure' in March 1307 cf. *CPR, 1301-7*, p. 263, p. 501, p. 511

<sup>53</sup> *CPR, 1307-07*, p. 84, p. 106, p. 501, p. 511 & *CPR, 1307-13*, p. 20

## III

By 1307, Charron would most likely have been in his late sixties, which given the average ages of the time, would be around about the date where one would expect, or rather hope, to find an *inquisition post mortem*. Unfortunately, one does not seem to have survived. Nevertheless, a mandate was issued by Edward II on 8 April 1315 to Richard de Kellawe, Bek's successor as bishop of Durham, ordering him to sequester the goods and chattels of Guichard de Charron 'our sheriff of Northumberland, deceased', to discharge the debts which Charron owed to the Crown, the security of which had been paid by Bertram de Montboucher, husband of Joanna, daughter and heiress of Guichard.<sup>54</sup> Furthermore, there is record of a grant in April 1313 of 180 acres of reclaimed waste land in the manors of Evenwood and Haygarth to William, son of William de Denum, of which Sir Guichard de Charron is mentioned as one of the witnesses.<sup>55</sup> Thus the natural assumption from this evidence is that Charron lived, and continued to be active, until at least Easter 1313 and died sometime before Easter 1315.

However, there are a number of problems with this interpretation. First, the mention of Joanna as Guichard's heiress; Guichard de Charron may indeed have had a daughter called Joanna, but he also had a son and displayed the typical medieval lack of imagination by naming him, also, Guichard de Charron, often referred to as 'the younger' in the records. Guichard de Charron, 'the younger', appears but seldom in the available evidence; he was certainly active as a soldier from December 1299 and the last unquestionable mention of him occurs in January 1307 when he, Thomas de Lucy, Thomas de Louther and Alexander del Fel acknowledged a debt of £10 to James de Dalilegh, to be levied from their lands and chattels in Cumberland in case of default of

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<sup>54</sup> *RPD, Vol. II*, pp. 1075-6

<sup>55</sup> *Ibid.*, pp. 1212-14

payment.<sup>56</sup> It could be that the younger Guichard may have come to an untimely end prior to 1315, but I am unconvinced by that proposition. The second problem lies in the matter of debts; there is no record of any recognizances of debt for Guichard de Charron the elder prior to this mention, certainly nothing prior to 1315 which suggest the existence of debts totalling approximately £140 to the Crown; furthermore, the return to Edward II's writ of April 1313 reported that he held goods to the value of £12 17s. 8d. in the liberty of Durham, which seems a rather paltry sum for such a man.<sup>57</sup>

These inconsistencies suggest that it was the younger Guichard who died between 1313-15; he has no record of having a son, hence the heiress, and his lack of official career whilst in the king's army, would account for the low value of moveable goods. It seems likely that his father died sometime after 1308, maybe around the same time as bishop Bek. The witness list of the April 1313 grant itself reflects a new generation, citing Sir Richard Marmaduke, Sir Guichard de Charron, knights, Patrick de Kellawe, etc; these men are the new representatives of the old families; Richard son of John and, most likely in this case, Guichard son of Guichard. Furthermore, three remaining commissions of *oyer and terminer* in which 'Guichard de Charron' figured in October 1310, December 1310 and February 1311 were more likely issued to the son, rather than the father, especially as they relate to Yorkshire and it seems highly unlikely that the elder Charron, in his seventies by this point, would have concerned himself there.<sup>58</sup> Furthermore, one of these dealt with a complaint by Bertram de Montboucher, the husband of Joanna de Charron, already identified as the younger Charron's heiress, making it more likely that this was the younger Charron's business. The obvious conclusion to draw from this would be that the son was now aiming to take on the role of the father, and that the elder Guichard had passed away sometime prior to October

<sup>56</sup> CPR, 1292-1301, p. 488; CCR, 1302-07, p. 523

<sup>57</sup> RPD, Vol. II, pp. 1076-7

<sup>58</sup> CPR, 1307-13, p. 315, p. 316, p. 364



1310, but not before May 1310 when it seems fairly certain that it is he who is listed as a witness to a land grant to William Gategang of lands near Gateshead by his ranking of second in the witness list, ahead of Richard fitz Marmaduke.<sup>59</sup>

#### IV

Thus, what type of man do we have in Guichard de Charron, and what does his career illustrate about the experience of such a man in the north of England and in the liberty of Durham in the late thirteenth and early fourteenth centuries? As stated previously, Guichard de Charron appears to have been a man of noble nature from a highly respected family of increasingly 'northern' identification. His interests were varied; they were focussed both on where he held lands, and further afield within the north of England. He was also an able and efficient man, capable of acting in several roles simultaneously and dealing with situations where lines of authority were consistently blurred and disputed. He was also transferable, and in the ultimate sense in that he was not only capable of acting as an officer in different territorial areas, but in that he was also able to act as officer for two different manifestations of authority within a single territorial area, namely the liberty of Durham, without compromising his position of confidence in the eyes of either. This career goes some way towards illustrating the political minefield which comprised the society of northern England and Durham in this period, and how men had to deal with conflicting loyalties and the temptation of personal gain inherent where rival modes of authority were competing for support and position. But there is also one element which stands aside in his career; his durability. The key to this durability was his outlook as an officer in northern society, and

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<sup>59</sup> It seems inconceivable that the younger Guichard de Charron would rank higher than fitz Marmaduke given his social status. cf. DCM: MC 7125 (n); Reg. I. ii., f. 43v



particularly within Durham, where such questions of authority were most keenly felt. He was not the type of man who was out for personal gain, and there is little evidence that he received much in the way of 'spoils' for his efforts. Rather, he was the type of man who acted to the best of his abilities without being partisan, and in this sense it is not surprising that he specialised as a justice. Charron's characteristics made him a perfect justice; his impartiality engendered trust from both the bishop of Durham, the Crown, the archbishop of York, and the quarrelsome free tenants and monks of Durham. Any man who can simultaneously achieve that deserves our respect too.

## Case Study: The life and times of Brian fitz Alan: The experiences of a northern baron in the later thirteenth century.

A brief note must first be made concerning the significance of Brian fitz Alan to this study. It has already been demonstrated that Durham political society was made up from many different social strata: from those whose interests were indigenous to Durham; to those whose interests, whilst sometimes focussing upon Durham, were concerned rather with northern society as a whole; and finally, to those whose interests and careers embraced the realm as a whole, and a number of examples of each type of man have been highlighted. Attention has also been paid to the theories of writers such as Jean Scammell, who have argued that Durham society was strikingly cohesive and tight knit, and have cited the organisation and payment of huge sums of tribute money to the Scots as an example of this.<sup>1</sup> Thus far, what this study has demonstrated is rather different: on the one hand, Durham society does appear to have had a strong element of cohesion, although in administrative terms this did not lie within the context of a closely knit internalised society, but rather in the position of a hugely powerful local lord, the bishop of Durham, and the patronage and promotion which lay at his pleasure within the liberty; and, on the other hand, there existed highly integrated groups of gentry who formed localised affinities based on landholding, which in themselves created a number of different identities within the palatinate. There were opportunities, however, for men from outside the palatinate to integrate themselves into both administration and landholding; in terms of the former, men were drawn from all over the country to seek the bishops' favour and promotion. The consequence of this was the three tier system of men which I have just mentioned, and what was, in effect, a fluid society based upon the cohesion of a powerful local lord and his administration. Brian fitz Alan fits into the second tier of this scheme; he had strong interests within Durham, but a more general

identification with the north of England; such men are interesting not only because of their dealings with, and involvement within, the administration and gentry of Durham, but because of the diversity of their interests within the north as a whole. Brian fitz Alan is an excellent example of such a man; his interests took him into routine administration, warfare, and social and ecclesiastical disturbances. He provides an example of a man from outside Durham who came to play a very influential role in Durham for a short time as a direct result of service to the bishop. His diverse interests, when placed against a backdrop of the events and protagonists to which they related, highlight the fortunes, life and times of such a man within a changing society.

# I

The family were descended from a younger son of Alan, Count of Brittany and Earl of Richmond in the twelfth century, through which they had a distant family link to the Angevin kings of England through the female line.<sup>2</sup> This younger son, typically also called Brian fitz Alan, acquired family estates in Yorkshire based around Bedale. Our Brian fitz Alan appears to have been the only son and heir of Sir Alan fitz Brian, great-grandson of the original Brian. Little is known of Alan past the murky circumstances surrounding his death in May 1267 at the hands of Payn le Keu of Brandesburton, who was found to have been acting in self-defence.<sup>3</sup> More is known of Alan's father, also Brian, who had been active as an itinerant judge of Henry III, and sheriff of both Northumberland between 1227 and 1235, and of Yorkshire between 1236 and 1239; he

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<sup>1</sup> See chapter 1, pp. 26-30

<sup>2</sup> *DNB*, p. 35

<sup>3</sup> V. Gibbs ed., *The Complete Peerage*, Vol V, London, 1916, pp. 393, 397

had also married Agnes Hansard, the daughter of a prominent Durham gentryman, Sir Gilbert Hansard, who held estates at Evenwood and Heworth.<sup>4</sup>

By the mid thirteenth century, the fitz Alans had established a dual status. In terms of the realm as a whole, the Brian fitz Alan who is the subject of this chapter was considered a banneret, although he was not a tenant-in-chief of the king and his banneret status came about as a result of his influential role in the Scottish wars. When speaking solely in terms of their status in north of England in the later thirteenth century, the fitz Alans can be ranked as a fairly prominent gentry family through a combination of the influence exerted by Brian through office-holding and a respectable extent of landed holdings in the region (in addition to one far flung manor in Cambridgeshire, which by the end of the thirteenth century had been settled by Brian upon his brother, Theobald, for the service of one fortieth of a knight's fee<sup>5</sup>). Most of the family's lands were held from the duke of Brittany and earl of Richmond, their now distant cousin. The fitz Alans held a significant portion of lands within the liberty of Richmond and across north Yorkshire: these included lands at Bedale, Aiskew, Burrell, Melsonby, Langton, Wathe and Preston to name but a few, as well the estate of Bicker in Lincolnshire; in Northumberland, Brian and his wife Maud were also jointly enfeoffed of two estates in Tynedale.<sup>6</sup> The Tynedale estates were, however, bestowed upon Brian and Maud by Antony Bek, bishop of Durham, for Brian's service to the bishop and are not indicative of any other familial holdings in that county. Indeed, the family's holdings, centred around their Richmondshire lands, had remained generally constant for much of the thirteenth century and, although by no means extensive, they appear consistent with what one would expect of a moderately significant local gentry family of the north of England.

<sup>4</sup> *DNB*, *ibid*; Gibbs, *Complete Peerage*, p. 393

<sup>5</sup> *CIPM*, Vol V, p. 3

<sup>6</sup> *CIPM*, vol IV, pp. 268-69; vol VI, pp. 21-22

## II

Brian's early years are difficult to discern. He appears to have come of age around about 1280 and in July 1282 he acted as a witness to an exchange of a variety of estates in Yorkshire and Lincolnshire between Henry de Lacy, the earl of Lincoln, and Roger de Mowbray. A fairly distinguished list of local knights drawn from north Yorkshire and Durham also witnessed this exchange, most notably including Sir Robert Mauley, Sir Geoffrey Neville, Sir Norman Darcy and Sir William le Vavassour.<sup>7</sup> Earlier mention of fitz Alan is to be found in January 1277, when letters of protection were issued for him to accompany the English king Edward I on his campaign into Wales.<sup>8</sup> He served in part of the feudal levy of his cousin, the earl of Richmond, and was also part of the force which put down the 1287 revolt.<sup>9</sup> Nevertheless, his involvement in the Welsh Wars did not extend into the 1290s; beyond going on a pilgrimage to the Holy Lands in 1285, his interests, like his king's, were firmly established in Scotland by this period.<sup>10</sup>

It is not necessary to dwell upon events in Scotland in detail and Brian's involvement can be demonstrated quite briefly. From May 1291, he appears to have been a trusted and influential councillor of the king: in June, he was associated with the guardians of Scotland and later took fealties for Edward from the Scottish nobility and gentry<sup>11</sup>; by August, he had been entrusted with the keepership of the castles of Forfar, Dundee, Roxburgh and Jedburgh<sup>12</sup>; and, in July 1297, he was appointed captain of

<sup>7</sup> *CCR*, 1279-88, p. 191

<sup>8</sup> *CPR*, 1271-81, p. 190. This also included a new arrangement for Brian to pay off his debts to the Crown in instalments of £20 per annum, which was presumably his incentive to go to war, *CCR*, 1272-79, p. 369

<sup>9</sup> *CPR*, 1281-92, p. 274

<sup>10</sup> Exactly where he went is not clear, but it may be that he went to Jerusalem, as is suggested by the association of this writ with one of the same date to William de Percy of Kildale, the younger, going to Jerusalem, *CPR*, 1281-92, p. 159

<sup>11</sup> Palgrave, *Documents and Records Illustrative of the History of Scotland*, I. iv-xvi; J. Bain (ed.), *Calendar of Documents Relating to Scotland*, Vol. II 1272-1307, Edinburgh, 1884, pp. 122, 123-25; *CPR*, 1281-92, p. 438.

<sup>12</sup> Gibbs, *Complete Peerage*, p. 393; Bain, *Scotland*, pp. 131-32, 133, 135, 137, 138, 141, 142, 148. Brian was paid 15s. a day for keeping the castles of Forfar and Dundee, whilst the majority of his wages for



Northumberland alongside Ralph fitz William for defence of the county of Northumberland in the face of the threat from William Wallace.<sup>13</sup> In August 1297, Edward requested that fitz Alan take over the position of keeper of Scotland from the earl of Surrey, a request which Brian politely declined on the grounds that his income of £1000 was not sufficient to support him in the enterprise, or to provide the fifty armed horses which Edward asked him to supply.<sup>14</sup> The point was made moot by Wallace's victory over the English at Stirling Bridge in September, which forced the earl of Surrey to remain in Scotland, and fitz Alan and fitz William to remain captains of Northumberland and to go 'in person to the earl with all speed and horses and arms'. Fitz Alan was also part of the English force who revenged themselves against Wallace at Falkirk in July 1298, being part of the retinue of Bishop Bek, alongside many other distinguished northern barons.<sup>15</sup> Despite this victory, Edward's later campaigns proved less successful and increasingly less popular with his barons. Brian fitz Alan was one of the knights engaged in November 1299 for Edward's aborted winter campaign, which not only never got off the ground, but which, incidentally, witnessed the mass desertion of the men of Durham, who showed up long enough to receive the king's wages before fleeing home by New Year, much to Edward's chagrin.<sup>16</sup> The battle of Falkirk was the last real major engagement of the Scottish wars in which Brian took part.

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Roxburgh and Jedburgh were discharged in instalments by the Chamberlain of Scotland, and mostly in a payment of £162 5s. 8d. in October 1292.

<sup>13</sup> Robert Clifford was similarly appointed to Cumberland. *CPR*, 1292-1301, p. 315.

<sup>14</sup> Stevenson, *Documents*, pp. 222-24

<sup>15</sup> Aside from two Durham bannerets, Sir John fitz Marmaduke and Sir Robert de Hilton, the list of twenty-six bannerets accompanying Bek most notably included Gilbert de Umfraville, the earl of Angus, and Patrick Dunbar, earl of March, as well as a significant number of northern barons with lands in Yorkshire, Lincolnshire and Northumberland, such as Sir John de Wake, Sir Peter de Mauley, Sir Ralph Basset, Sir John fitz Marmaduke Thweng, Sir Philip Darcy, Sir William de Ros, Sir Ralph fitz William, Brian fitz Alan's colleague and fellow captain of Northumberland, and fitz Alan himself. Also with Bek's retinue were Sir Robert fitz Roger, Edward's trusty commander of Newcastle-upon-Tyne, and Sir Henry Percy, both with retinues of their own. Hunter Blair, 'Northern Knights at Falkirk', pp. 69, 71, 81-92

<sup>16</sup> *CPR*, 1292-1301, p. 456; *CCR*, 1296-1302, p. 323, 382. Edward had requested between five and six thousand foot soldiers be levied from Durham. The action of the men of Durham appears to have been largely indicative of the general opinion of the country and Edward ended the year under increasing financial and administrative pressure, not to mention the increasing need to sell unpopular policies to a

## III

Beyond the war with Scotland, Brian fitz Alan also had an important career in Durham and Yorkshire. What is immediately noticeable is the fact that his career was far more prolific in the 1290s than it was in the 1280s. As far as Durham was concerned, the basis of his career lay in his position as part of Bek's retinue. It must also be remembered that fitz Alan had estates in Lincolnshire, where Bek's family originated and from where much of the bishop's entourage was drawn. Included in this retinue alongside Yorkshiremen such as Sir Ralph fitz William, fitz Alan's colleague as captain of Northumberland, were Lincolnshire barons such as Sir Peter de Mauley, a councillor of Bek, whose son would, as has already been seen, become Bek's steward.<sup>17</sup> These men also included Sir Philip Darcy, a Lincolnshire neighbour of Bek, who would later become Bek's infamous constable of Durham Castle.<sup>18</sup> It is also interesting to note that Darcy had connections with the men of Tynedale, where fitz Alan also had estates bestowed upon him by the bishop of Durham. It seems, therefore, that such men were bound up by interwoven ties of military and administrative service within a number of northern counties and liberties.

Such men were also to be found securing the interests of the bishop outside Durham. In November 1291, Bek issued a confirmation of the foundation of a chantry at Lasenby in Yorkshire by John de Lithgraines, Edward's escheator north of the Trent, who also figured among Bek's councillors. This grant is also significant due to its witness list. It was witnessed twice, first by a group of minor local landholders, and, second, for the bishop, by a collection of knights drawn from his affinity. Some of these were prominent Durham landholders, such as Robert de Hilton, who was also a member of

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resentful populace and a political elite increasingly disillusioned by his apparent unwillingness to keep his promises.

<sup>17</sup> See above, pp. 55-57



Bek's entourage at Falkirk; others were important Yorkshire landholders, such as Brian fitz Alan, John de Bohun, Ralph fitz William and William de Vavasour. The list also included a collection of some of the most important officers of the bishop, men such as Guichard de Charron and William de St. Botulph, whose powerful role in Bek's administration has already been demonstrated, as well as important ecclesiastical clerks such as Thomas de Levesham and Adam de Driffeld.<sup>19</sup> Thus, aside from this group of councillors and advisers to the bishop, the list also includes some of the most important figures in the military infrastructure of the north, and Northumberland in particular, and demonstrates the correlation between military and administrative service which invariably existed in northern society from the late thirteenth century onwards.

This also further demonstrates the close correlation which could exist between the gentry societies of Durham and North Yorkshire. In February 1293, for example, a significant number of these Durham men were given quittance of the summons of the *eyre* in Yorkshire; these included Hugh de Eure, Alan de Easingwald, Thomas de Levesham and Peter de Thoresby, in addition to Brian fitz Alan.<sup>20</sup> Furthermore, the close relations between such men across the two counties in the service of a magnate like the bishop of Durham had advantages for the men concerned. In January 1291, officers of the bishop were employed on a commission of oyer and terminer to investigate the persons who had raided deer from Brian fitz Alan's park at Cudleston in Yorkshire – and not just any officers, none less than Botulph, the bishop's steward, and Guichard de Charron.<sup>21</sup> Brian returned the favour when he investigated thefts from the bishop's park at Alnwick alongside Hugh de Louthre and William de Huk in July 1303.<sup>22</sup> Such men were employed not only in defending the interests of the bishop, but,

<sup>18</sup> See below, pp. 216

<sup>19</sup> DCM: Reg. II. f. 323, Cart. III., f. 18v

<sup>20</sup> CCR, 1288-96, pp. 311-13

<sup>21</sup> CPR, 1281-92, p. 513

<sup>22</sup> CPR, 1301-07, p. 193

through his service, defending the interests of each other; Brian himself certainly benefited from this.

Beyond this, Brian was also active of his own volition in administration in Yorkshire in these years, acting as a commissioner of *oyer* and *terminer* in 1291 and 1293 alongside Thomas de Normanvill, another escheator of the king beyond Trent, and, in 1305, investigating the persons who raided and poached the Yorkshire estates of his cousin and feudal lord John of Brittany; he was also engaged as a justice of gaol delivery in York in 1291 with William de Rithre and John de Melsa.<sup>23</sup> He was summoned regularly as a parliamentary baron in his capacity as Lord of Bedale and was involved in a dramatic incident in the parliament of May 1296 when Sir Gilbert Umfraville, son of the earl of Angus, flew into a rage during proceedings and struck Hugh de Louthre. Brian was one of the mainpernors for Gilbert, alongside the young knight's father, the earl of March and Robert fitz Roger, the captain of Newcastle.<sup>24</sup> This demonstrates that these men had association which transcended their military connections and were used to support one of their families in a potentially embarrassing and materially damaging incident; it also serves as an example of the wide-ranging functions of such associations. Nevertheless, beyond such colourful encounters, Brian was mainly pre-occupied with Scottish business until around about 1299, when his interests took a distinct turn.

The reason for this may have been, in part, the erosion and demoralisation of the English position in Scotland by this time, but it may also have been due to increased favour from Bek. The bishop of Durham proved himself fully capable of bringing even the most eminent members of his retinue to heel, and had ordered his sheriff to distrain on the goods and chattels of Brian, Sir John Fitz Marmaduke, and Sir Peter de Thoresby in November 1293 for a debt of £80 jointly owed by them rather ambiguously for



'certain ends which had already been transacted'.<sup>25</sup> If this is evidence of some fall from favour then it was clearly forgotten by 1299, when Brian rather suddenly began to assume a most significant role in the witness lists of Bek's charters and grants. From c.1299, Brian took a leading position in these lists amongst those councillors drawn from the leading Durham gentry. A perfect example of this can be found in a charter issued by Bek in that year to Gilbert Gategang, confirming the grant of nearly fifty acres of land south of Gateshead to him by his father, which was witnessed by William de Botolph, Sir Thomas de Levesham, Sir Peter de Thoresby, and Sir Ralph Warsop, the leading officers, and then by Sir Brian fitz Alan, Sir Robert de Hilton, Sir John fitz Marmaduke, Sir Guichard de Charon and Sir Walter Wessington, the leading knights.<sup>26</sup> This pattern is reproduced in subsequent grants of land made by the bishop in 1300 and 1301, where the list appears slightly altered, but with Brian fitz Alan usually elevated to the leading position.<sup>27</sup>

Brian's increased influence can also be demonstrated by his involvement in the disputes in these years between bishop Bek and the priory of Durham, and between the bishop and his tenantry.<sup>28</sup> Fitz Alan was dispatched in June 1300 by Bek, with the encouragement of Edward I, to treat with the prior and the monks with a view to reaching an agreement. This achieved little, however, save the desertion of some of the

<sup>23</sup> cf. *CPR*, 1281-92, 455; *CPR*, 1292-1301, p. 45; *CPR*, 1301-07, p. 348; *CCR*, 1288-96, p. 172

<sup>24</sup> *CCR*, 1288-96, p. 489

<sup>25</sup> TNA Assize Roll 226, m.8, cited from Fraser, *Records*, pp. 41-42, n. 39

<sup>26</sup> DCM: Reg. I. ii., f. 43r-v.; MC 7125 (n)

<sup>27</sup> These include a confirmation of grants of lands and rents made by bishops Kirkham and Stichill to the Brandon family in November 1300, witnessed by William de St. Botolph, steward, Sirs Brian fitz Alan, John fitz Marmaduke, Thomas de Whitworth, Walter de Washington and Hugh Burdon, knights, in addition to other men including William Polland, Walter de Bermeton and Thomas le Chancellor – DCM Almoner's Cartulary, pp. 212-14, cited from Fraser, *Records*, p. 78, n. 74. Another example can be found in Bek's grant of 60 acres of waste land in the moor of the manor of West Auckland to Peter de Bolton in April 1301, witnessed by William de Botolph, Peter de Thoresby, clerk, Sirs Ranulph de Neville, Brian fitz Alan, Ralph fitz William, John fitz Marmaduke, Guichard de Charron, Robert de Lumley, Thomas de Whitworth, knights, and Thomas Chancellor, Roger Esh and Thomas Bermeton, amongst others – DCM: Reg. I. ii., f. 32v., MC 7125 (c)

<sup>28</sup> See chapter 2, p. 54 and chapter 5, p. 215-220



more conciliatory monks to Bek's side.<sup>29</sup> An agreement was later reached at Evenwood on June 20, but in practical terms it proved hard to realise, and the whole situation was exacerbated by the objections of the tenantry to Bek's more unscrupulous ministers. This led to the confiscation of the liberty in July 1302 until an agreement was reached for justice to be done to the tenantry and the monks. But, like the Evenwood agreement, the conditions of the agreement proved hard to realise, much to the impatience of the king, and in late 1304, Brian fitz Alan, Ralph fitz William and Wiliam le Vavassour sent assurances to Edward that they would co-operate with the king's justices fully, and they stood as surety for the bishop in this matter.<sup>30</sup> Brian's dealings in both matters suggested that he was capable of acting as an arbitrator, and are also evidence of the trust still placed in him by the Crown.

Other elements of the latter years of Brian's life are largely consistent with the 1290s. In October 1302, an appeal was made to the king by Margaret de Ros of Wark in Tynedale, who had been ejected from her estates in October 1298 by Bek, and the estates handed over to Brian.<sup>31</sup> The response from the king's chancery was simply to dismiss her appeal back to the bishop to do justice, which evidently was not forthcoming, as Brian was still seised of his Tynedale estates upon his death in 1306. After 1306, further dispute arose concerning his holdings in Ulvington in Yorkshire, which William and Cecilia de Fenton claimed for themselves.<sup>32</sup> The Fentons had come over to the English side after the first Scottish wars so presumably this land had been seized during the initial hostilities with Scotland, but the outcome of their appeal is unknown. Brian also continued to have some involvement in Scotland in these years; in March 1301, for example, he was engaged with William Latimer, Ralph fitz William and Robert Hastings to conduct Scottish envoys safely to Canterbury for peace talks,

<sup>29</sup> Fraser, *Bek*, pp. 137-8

<sup>30</sup> TNA Coram Rege Roll, Mich. 32/3, Edw. I, m. 71d., cited from Fraser, *Records*, pp. 101-2, n. 94

<sup>31</sup> Bain, *Documents*, p. 344

and it is evident that he was in Angus with fitz William, fitz Roger and Neville in 1302, presumably on official business.<sup>33</sup> Edward I intended to re-appoint fitz Alan as a Guardian of Scotland in 1306 but the latter's death towards the end of that year prevented him from taking up this appointment. The cause of fitz Alan's death is unknown, but it may be that he had been suffering from a protracted illness over the course of that year and was expected to die, as reports reached the king on May 7 that he had died, and orders were issued to take his lands into the king's hand for safe-keeping, orders which had to be reversed in June when a presumably aggrieved fitz Alan produced himself alive and well, although he was certainly dead by November. Brian was definitely active and arguably in the peak of his career when he died, and he cannot have been much past his late forties. Also, despite having three sons, all had predeceased him, leaving two infant daughters, Agnes and Katherine, who later married into the Stapleton and Grey families, between whom the fitz Alan estates were eventually divided.

#### IV

An analysis of the life and times of Brian fitz Alan presents a picture not only of a highly capable man of diverse interests, but of a man who, in spite of a typical landed income, managed to become highly involved and respected in matters of great importance. He played a leading role in the Great Cause and the early years of the Scottish Wars of Independence, and he had to cope with the twists and turns of fortune which these wars had for such men living in these times. However, beyond both this, and the routine career in county administration which one would expect of any Yorkshire baron of his position, he also serves as an example of a northern baron who

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<sup>32</sup> *ibid.*, p. 467

became a leading figure in the society of Durham through service to the bishop, rather than through any basis in landed territory in the palatinate. The example of Brian fitz Alan also serves to demonstrate that such men were instrumental not only in the protection of the position of the bishop, but that they were bound together in interwoven horizontal ties of military and administrative service, in addition to personal ties, which were just as essential to their own protection as vertical relationships were. He stands alongside a man such as Guichard de Charron, with whom one can draw immediate comparison in terms of how they identified and promoted their interests, although a contrast can equally be drawn due to the fact that it was essentially through military service in the 1290s that Brian fitz Alan became associated with Bek.<sup>34</sup> Nevertheless, it is on such men, their diverse interests, and the transferability of these interests, which a functional society would have to rely upon in such a period of changing times and fortunes in northern England as the fourteenth century would prove to become.

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<sup>33</sup> *CPR*, 1292-1301, p. 582; Bain, *Documents*, p. 364-65

<sup>34</sup> Whilst accepting that Bek and fitz Alan both came from Lincolnshire and that it was this which likely led to his initial contact with the Bek family, Brian had been active in northern society since around 1280s, which means that it was probably his service in Scotland and at the battle of Falkirk which made Bek aware of his usefulness, rather than promotion for the sake of association.

### 3: The Experience of the Lords of Burn Toft

It has already been shown how the existence of associations was evident in the transaction of administrative affairs within the Palatinate; such groups would also have been active in dealings in land. Through observation of such groups, one is able to build up a more accurate picture of who the more powerful landholders were, a picture which can be compared with that provided by a study of the administrative figures. However it is not only the men in this process who are important to consider, but the process itself; where does an association based upon landholding or dealings in land originate? Similarly can changes be noted in how such associations were formed and the type and origin of the men it included? Furthermore: what trends can be witnessed in the changing pattern of landholding in the Palatinate; how far do these mirror trends witnessed in the gentry class as a whole; and what implications do these have for the theme of cohesion within this society? It has already been noted how this period was one of major upheaval across the north as a whole, and the debate concerning how far these changes impacted within Durham is a theme of this thesis. Given such considerations it might be logical to assume that under the conditions of social change across the north, the means by which social organisation was affected in the palatinate may have undergone some measure of fluctuation in the period.

In this case, it is proposed to discuss a specific case study before considering the overall picture, in reverse to the approach chosen to illustrate the administrative side. This is intended to act as a frame of reference to help test theoretical patterns in relation to the picture of landholding in a number of ways. First, it allows one to step back a couple of decades before the period in question to consider an example of a local Durham knight and the land-based associations which encompassed him in the 1260s and 1270s, before the advent of factors such as Bishop Bek, or the Scottish wars. Such a frame of reference will help to identify subsequent changes. Second, it is also possible

to trace the manor in question through to the fourteenth century and propose some trends which may indicate how the Durham gentry fared in an overall picture of the gentry class in the late thirteenth and early fourteenth centuries.

Sir Philip de Burntoft held the lordship of the vill and manor of Burn Toft in the mid to late thirteenth century. Burn Toft was a small manor lying to the west of Hartlepool in the parish of Elwick Hall in the south-east of the palatinate; the outer suburbs of the modern town now lie on at least part of the manor. Philip was also surrounded by a social affinity of his own free tenants as well as the association of other middling gentry men, drawn from the settlements which lay to the south along the bank of the Tees, towns such as Egglecliffe, Billingham and Wolviston; he also appears to have attracted to his affinity men from Darlington, which lay approximately fifteen miles to the south-west of Burn Toft. In this case, an affinity of a primarily vertical social, if not material, relationship, comprised the backbone of the association who dominated Philip's land dealings.

Philip de Burntoft himself was certainly not a considerable lay lord, but one can consider him to have been of gentry status by the basic definition supplied by Carpenter, as he was a knighted lord of a manor, with an admittedly minor role in local government. Furthermore, he would have possessed an element of 'social control' through his influence as the local lord, and, as will be seen, the leading member of a local association of tenants and sub-gentry, who developed ties with other such men independently of vertical relationships, thus satisfying some of Coss's criteria of the characteristics of a member of the gentry.<sup>1</sup> This definition can be used to place him within the social gradation of the gentry. Given the fact that he was lord of only one manor, and neither was he a significant office-holder, nor did he generally mix with the wealthiest and most influential men of the palatinate, it is safe to conclude that he lay

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<sup>1</sup> See chapter 1, p. 11-12



towards the bottom end of the social gradation which, Coss argues, must also define the gentry class. Certainly, when considering the evidence which will be presented concerning his fortune and experience, it becomes clear that only two things separated Philip from the tenants and sub-gentry who comprised his association; namely the fact of his knighthood and nominal status as 'lord of the manor'.

The origins of Philip and his family are difficult to ascertain and he is notable because from the 1260s onwards he alienated a significant portion of the lands comprising the manor of Burn Toft to various members of the lesser gentry, and most especially to the almoner, prior and convent of Durham. The exact dating of this process is a difficult matter. The evidence for this has been collated from individual grants now in the collections of miscellaneous charters and almoners' documents in the Durham Cathedral Muniments. Although most of the charters that deal with Philip de Burntoft are undated, they can safely be ascribed to the thirteenth century because of the hands of the scribes; Stevenson also placed many others in the 1260s and 1270s through attention to the witness lists.<sup>2</sup> It is easier to plot the history of the manor of Burn Toft in the fourteenth century due to a greater number of dated documents which make it possible to trace the dealings of its new owners in the period. Collectively, this evidence reflects a significant change in the pattern of landholding in this one manor over a sixty year period, and says much of the challenges which faced the local gentry.

# I

In order to demonstrate the extent of these changes it is useful to suggest some overall figures concerning Philip's grants. Three factors hamper the usefulness of this evidence;

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<sup>2</sup> DCM: 5.1.Eleemos.11. Stevenson's 19<sup>th</sup> Century Calendar of the Miscellaneous Charter collection resides in the Search Room at No. 5 The College at the University of Durham. I am greatly indebted to the staff of No. 5 for their assistance in the use of this calendar, as well as advice on a great number of the documents consulted.

first, the lack of any estimate of the overall size of the manor itself; second, the incomplete nature of the surviving evidence, meaning that figures produced combining the grants made to each individual or institution may in fact be higher; and finally, the fact that some of these grants do not record the extent of the lands given.<sup>3</sup> That said, as the evidence stands, Philip granted 55 acres to the Almoner of Durham, with at least two other meadows and a collection of assorted lands and tenements held by others for which no extent is given, leading one to suggest an overall total of 100 acres (which is most likely a conservative estimate)<sup>4</sup>; to his brother, William, Philip surrendered at least 6 acres, as well as other miscellaneous lands, giving William a total of approximately 10 acres<sup>5</sup>; to Emmett Escouland, another member of the local gentry, he conceded a total of approximately 90 acres<sup>6</sup>; this was followed by another 55 acres to William de Cumba<sup>7</sup>, a local clerk; an approximate total of 35 acres of assorted lands to Ralph de Cumba<sup>8</sup>; and finally, lands in the region of 40 acres in total to Ralph Bard, Robert de Elmeden and Robert de Mersey.<sup>9</sup> Overall, these figures total approximately 330 acres and given the uncertainty of some of the values the real figure represented by these grants probably lies between 300 and 350 acres. This is not a particularly large concession in itself, but when considered alongside the context that records are incomplete, as well as the fact that Philip eventually granted the entire lordship away, it reflects something much more significant, especially when one considers that so-called

<sup>3</sup> Perhaps it should also be added, or rather reiterated, that most of the charters are undated. In the following analysis it proved impossible to ascribe dates to most of the evidence; where a date exists it is given; lack of a date in my text denotes lack of a date on the charter.

<sup>4</sup> DCM: 4.1.Elemos.13; 5.1.Elemos.2, 4, 5, 7, 8, 9, 11a, 12b, 13, 15; MC 197

<sup>5</sup> DCM: 4.1.Elemos.1, 2, 3, 4

<sup>6</sup> DCM: 4.1.Elemos.5, 6, 7, 8, 9, 10, 22

<sup>7</sup> DCM: MCs 130, 165, 166, 167, 6115

<sup>8</sup> DCM: 5.1.Elemos.26; MC 168

<sup>9</sup> 20 acres, with assorted lands; a bovate; and 2 acres, respectively – cf. DCM: 4.1.Elemos.15, 16, 21; 5.1.Elemos.19; MCs 147, 174. The bovate was granted to Robert de Elmeden by the almoner from lands of which Philip de Burntoft was the overlord. I have recorded this separate from the other lands granted to the almoner because it appears that this land was granted to the almoner on the understanding that he would immediately grant it to Robert and charge his own rent. This meant that the grant was made with the intention of it providing a land for which the almoner could receive a rent, rather than the Priory of Durham making use of the land itself. I have drawn a distinction between this and lands which I have classified as re-grants of land, such as those made by Emmett Escouland, which are detailed below.

20 librate holders (those who possessed approximately 600 acres) were considered to be of gentry or knightly status at the end of the thirteenth century.

The significance of these figures runs deeper; of the 330 acres identified, Philip had held 224 directly; the other 106 had been in the hands of his other tenants and were thus being re-granted by the lord of the manor.<sup>10</sup> Furthermore, Emmett Escouland subsequently re-granted the whole of the 90 acres of lands given to him, as well as another 2 acres he held of Philip, to the Almoner in free alms.<sup>11</sup> Thus, revising the figures: 192 acres were in the hands of the Almoner in free alms (of which 162 had previously been direct holdings of the lord, 30 transferred from the hands of other tenants)<sup>12</sup>; 10 acres in the hands of his brother (of which 6 had been direct holdings, 4 held by other tenants)<sup>13</sup>; 55 acres were in the hands of William de Cumba (47 of which had been direct holdings, 8 in the hands of another tenant of Philip's)<sup>14</sup>; 35 acres in the hands of Ralph de Cumba (of which only 1 had been direct holdings of Philip, the other 34 in the hands of another tenant)<sup>15</sup>; and finally, 40 in the hands of Ralph Bard, Robert de Elmeden and Robert Mersey (of which 10 had been held directly, the other 30 transferred from others)<sup>16</sup>. This evidence also means that the number of acres alienated by Philip in the period from 1258 should be revised to a total of 332 acres; this may have been as much as half his manor, and there may have been more grants of which records no longer survive.

<sup>10</sup> In this case, the meaning of lands held 'directly' by Philip is lands which comprised his demesne. Those lands which had previously been 'held by others' appear to have been temporary grants which did not permanently alienate these lands; in the case of the grants and re-grants discussed here, these proved to be permanent alienations in the sense that, notwithstanding the new holder re-granting them to others, they did not return to Philip.

<sup>11</sup> DCM: 4.1.Elemos.11

<sup>12</sup> From Philip's outright grants to the almoner, the previous tenants were Robert Stenge and William Bercarri; from those lands re-granted by Emmett Escouland, the previous tenants were Walter the Hostillier of the monks and Adam fitz Gregory.

<sup>13</sup> These were Robert Stenge, William Bercarri and Sylvester de Darlington.

<sup>14</sup> Adam Bercarri

<sup>15</sup> Ralph fitz Bertram. 33 acres of the total had been quit-claimed to him by Matilda de Burntoft, who had held it by gift of her uncle Robert, who was himself a tenant of Philip de Burntoft. Philip had remained the overall lord.

Table 1. Lands granted by Philip de Bruntoft in the thirteenth century

Recipient	Acres Granted	Revised Figure	No. Ph had directly held	No. other tenants had held
Almoner of Durham	100	192	162	30
William de Bruntoft	10	10	6	4
Emmet Escouland	90	0	0	0
William de Cumba	55	55	47	8
Ralph de Cumba	35	35	1	34
Others	40	40	10	30
	330	332	226	106

The alienation of these lands assumes more significance when it is calculated that the greatest possible total annual rent Philip could expect from these lands was 10 pennies and two pounds of cumin.<sup>17</sup> He could also expect the income from milling in the lands in some of these grants and a tenth of annual income from the land in return for another of the grants.<sup>18</sup> Most of these lands were also given quit of any charge for relief; the two acres conceded to Robert Mersey yielded Philip 1 penny for relief whilst two other grants yielded 6 pennies each, hardly a windfall.<sup>19</sup> This assumes greater significance when one compares it to other rents in the area; in 1275, for example, Robert de Elmeden was required to render 12s. 6d. per annum, in addition to a twentieth of the revenues from milling, for 1 toft and a bovate (15 acres) leased of Robert de Claxton, Prior of Durham; and in the early fourteenth century, the then prior of Durham charged John, son of Peter de Hartlepool, the new lord of Burn Toft, 2 marks a year for a field

<sup>16</sup> In the case of the lands of Ralph Bard, the previous tenants were Walter the Hosteller and Ralph fitz Gregory for a bovate of land; for Robert de Elmeden it was the almoner, see above n. 9. Robert Mersey held directly from Philip.

<sup>17</sup> This figure could vary as some lands were granted with the option of rendering either money or another annual payment. At its lowest monetary rate the annual rent would be 8 pennies, three pounds of cumin and one pair of gloves per annum - cf. DCM: 4.1.Elemos.1, 2, 3, 5, 6, 9, 22; 5.1.Elemos.19, 26; MCs 165, 166, 167, 168, 6115

<sup>18</sup> He was due a 20<sup>th</sup> of the income from milling, and a 16<sup>th</sup> from a variety of lands granted to his brother William and half a bovate granted to William de Cumba - DCM: MC 167; 4.1.Elemos.1. He received a tenth of annual income from a mill granted to Ralph Bard - DCM: 5.1.Elemos.19



containing a mill which was itself in disrepair.<sup>20</sup> There is an obvious disparity in terms of rent between these grants and those made by Philip de Burntoft who allocated, for example, 66 acres of land to Emmett Escouland for an annual rent of only 1 penny of silver.<sup>21</sup> It could be argued that this reflects that the lands granted by the almoner were in better condition or more fertile, but the example from the fourteenth century would seem to dispute that assertion and it surely cannot be the case that the lands granted by Philip were all systematically poor in quality. The granting of land for no return was often standard practice, but discussion is needed of why it was the case in this particular example.

## II

The debate concerning the decline in fortunes and numbers of thirteenth century knights has already been noted, but needs further discussion in the specific context of Philip de Burntoft. Despite the recent revision of his position, Coss's initial argument was that the knightly class of the thirteenth century experienced a period of economic crisis which was both 'extensive and prolonged' and which left them prey especially to the acquisitive ambitions of monastic houses and royal clerks, who consolidated their holdings at the expense of the gentry.<sup>22</sup> On face value, the experience of Philip de Burntoft has many parallels with this model in his alienations to the monastic house at Durham and the lesser tenants and clerks around him. This makes a brief exploration of the merits and revisions of Coss's pertinent to a discussion of exactly what is happening here.

<sup>19</sup> cf. DCM: MC 174 for the grant to Robert Mersey; Philip was due reliefs of 6 pennies from 5 acres of land and a mill conceded to Ralph Baard, DCM: 5.1.Elemos.19, and a mill conceded to Emmett Escouland, 4.1.Elemos.22

<sup>20</sup> DCM: 4.1.Elemos.16; 4.1.Elemos.11, copied MC 6794f.

<sup>21</sup> DCM: 4.1.Elemos.6



Coss himself drew on the work of Postan and Hilton, who had noted such acquisitions by the major religious houses and argued that these, in conjunction with the rising cost of knighthood in the late twelfth and thirteenth centuries and the legacy from a high rate of inflation from the early thirteenth century, heralded 'a severe social and economic crisis for the class as a whole' and were pivotal in causing a decline in their fortunes.<sup>23</sup> Coss demonstrated how men other than those connected with religious corporations were active in the property market, demonstrating how his example, Sir Geoffrey de Langley, substantially increased his holdings by exploiting the financial difficulties of those who were either beset by debts, especially to the Jews, or whose manors were structurally ill-equipped to cope with the economic pressures of the thirteenth century.<sup>24</sup> He argued that the major players in the property markets of the thirteenth century were not the great magnates but rather the religious corporations and the royal clerks, laymen and gentry in royal service; he also argued that the market itself was so buoyant due to an explosion of desperate debtors who were prepared to settle their debts by selling lands or alienating away the income derived from them to their creditor. Those who possessed single manors and those with more substantial holdings suffered alike and the overall trend was for a major sale of a manor to come after a period of the lord either leasing the estates or making a string of small alienations from it, which inevitably proved too little to late.<sup>25</sup> To Coss, 'the conclusion is hardly escapable: the knightly

<sup>22</sup> P.R. Coss, 'Sir Geoffrey de Langley and the Crisis of the Knightly class in thirteenth-century England, *Past & Present*, lxxviii (1975), esp. p. 25 for this quotation.

<sup>23</sup> M.M. Postan, *The Cambridge Economic History of Europe*, I, Cambridge, 1966, pp. 590-5; R.H. Hilton, *A Medieval Society: The West Midlands at the end of the thirteenth century*, London, 1966, pp. 49-55 and pp. 50-1 for this quotation. These citations and quotation both come from Coss, 'Langley...', p. 3. For Coss's analysis of the inflation crisis cf. pp. 27-28. His conclusions may be briefly summarised here: a period of sudden inflation between 1180 and 1220 was followed by a more gradual rise from 1220 to 1260. In consequence, those who paid fixed rents gained from this situation whereas those knights who lived off such customary charges suffered and did not possess the resources in land to make a shift to demesne farming to compensate for the loss. This was disastrous in the changed conditions of the thirteenth century and encouraged 'borrowing in order to sustain a customary level of consumption'. In this situation, incomes were declining and the effect was cumulative, hence the effects only really hit home in the latter years of the reign of Henry III.

<sup>24</sup> *ibid.*, pp. 4-17

<sup>25</sup> *ibid.*, pp. 24-25

class was passing through a period of economic crisis, a crisis that was both *extensive and prolonged*, to which the political unrest of Henry III's later years can be ascribed.<sup>26</sup>

This could offer some clarification in the case of Philip de Burntoft. There are a couple of possible solutions for Philip's predicament; lack of heirs is one possibility as there is no mention of Philip having had any offspring, and references to his brother are scant – it may even be that his brother predeceased him. It is also likely that Philip was in financial decline or debt, presumably to the men to whom he made these grants, which were thus either sold to them, or acted as payment of his debt to them. If this was the case, it did not appear to have solved Philip's financial problems, and he eventually surrendered his lordship entirely to John, son of Peter de Hartlepool, just before the end of the thirteenth century.<sup>27</sup> Obviously, here is an example of a declining thirteenth century knight, maybe even the kind of man who, as Coss argued, crumbled under the financial pressures which the thirteenth century exerted on the common gentry man.

Other similarities make this situation comparable with Coss's model. The major beneficiaries of Philip's land grants were the priory of Durham, as well as tenants and clerks such as Escouland and Cumba, the latter of whom was styled as a chaplain and clerk of the bishop, as well as the procurator of the church of Elwick (in the context of the palatinate, such a position was comparable with that of a royal clerk in the rest of the kingdom). Furthermore, the case of Philip de Burntoft is particularly similar to that depicted by Coss of the widow Margery de Nerbone and her estate of Stivichall in Warwickshire. Although, in this case, the main beneficiary was the acquisitive gentry man Geoffrey de Langley, rather than clerks, the general process was similar; Margery's debts and general state of poverty led her to initially grant out small alienations of land for very small sums, followed by some large alienations and then the wholesale of the manor. This was exacerbated by the fact that the estate had a small demesne and a

<sup>26</sup> *ibid.*, p. 25 For Coss's treatment of the political implications of the economic crisis cf. pp. 28-34

<sup>27</sup> *Greenwell Deeds*, no, 78, p. 38

number of large tenants who paid low customary rents, who often sub-let their lands and who collectively cultivated a communal spirit which weakened the effectiveness of Margery's lordship.<sup>28</sup> The pattern of too little too late, evident in this case, would seem very similar to the case of Burn Toft; therefore it might be supposed that Philip suffered similar problems, and on face value his case seems applicable to the Coss thesis.

Nevertheless Coss's arguments have well-explored limitations, some of which he admitted himself. In citing the work of others, he acknowledged that they were not as wholly convinced of this thesis as he was; in assessing Edmund King's re-working of the evidence relating to Peterborough Abbey, Coss admitted that King was less inclined to subscribe to the conclusion that the evidence really reflected the decline of a class, rather the social mobility which one would expect in feudal society.<sup>29</sup> Similarly, in his discussion of H.G. Richardson's work on the acquisitions of monastic houses in Yorkshire and Lincolnshire, Coss also confessed that Richardson was keener to point out the limitations of the available evidence.<sup>30</sup> Coss also displayed a tendency to use evidence pertaining to the experiences of larger landholders when discussing the situation of smaller landholders and lesser gentry, a practice which, in view of the structural differences which he himself notes between the types of holdings of both categories of men, could distort his conclusions.<sup>31</sup>

The challenges towards Coss's thesis not only led him to re-think his position, but also require a re-assessment of the Burn Toft evidence. The most prominent of these challenges came from Carpenter who, using evidence from Oxfordshire, questioned the extent of the effects of the economic crisis facing the gentry and highlighted the

<sup>28</sup> The full story of Stivichall and the financial decline of the Nerbone family can be found in Coss, 'Langley...', pp. 12-17

<sup>29</sup> *ibid.*, pp. 3-4. Coss drew this interpretation from King's, 'Large and small landowners in thirteenth-century England', *Past & Present*, No. 46 (May 1970), pp. 45-50

<sup>30</sup> *ibid.*, p. 22. Coss was discussing Richardson's work in *The English Jewry under the Angevin Kings*, London, 1960, pp. 91, 98-9

<sup>31</sup> Cf. Coss, 'Langley...', p. 28, no. 119. In discussing evidence present by Miller relating to the borrowing of larger landowners, Coss uses such evidence to talk of the knightly class as a whole, an approach which may create flawed generalisations.

resilience of knightly families, especially those endowed with larger estates; he argued that it was more the case that individuals suffered, rather than the class as a whole.<sup>32</sup> Indeed, Carpenter's work suggested that it was more the case that there was simply a transferral of property taking place between members of the lower gentry, a view more in line with conclusions offered by Edmund King, which had been dismissed by Coss. Carpenter argued that Coss's conclusions, that the knightly class were ill-equipped to acquire a large demesne farm to cope with inflation and economic crisis, were unconvincing because Coss relied on one example which was itself untypical; he also pointed out that Geoffrey de Langley, Coss's example, passed his acquisitions back to gentry families.<sup>33</sup> In overall terms, the evidence from Oxfordshire demonstrated healthier material fortunes for the knightly class of that county, even where debt existed; social status did become more polarised and some estates were split up but most families coped well with the shift towards demesne farming and retained their status as gentry. There was little evidence in Oxfordshire of a prolonged period of crisis for the class and it seemed unlikely to him that financial hardship drove men to the cause of the Monfortians in Henry III's reign, rather that their involvement in the activities of this group was an indication of their continued influence and power.<sup>34</sup>

More recent work has developed Carpenter's interpretation further. In 1996, Kathryn Faulkner also demonstrated that the extent of the economic crisis facing the gentry could be questioned and that whilst many from amongst the gentry class were burdened with debt in the thirteenth century 'the existence of debt does not in any case necessarily imply financial difficulty'; she provided examples of men in the earlier thirteenth century who were in debt and who had to sell portions of their land, but whose heirs still

<sup>32</sup> D.A. Carpenter, 'Was there a crisis of the knightly class in the thirteenth century? The Oxfordshire evidence', *EHR*, 1980, pp. 721-752

<sup>33</sup> *ibid.*, pp. 723-24

<sup>34</sup> *ibid.*, pp. 726, 739, 744, 751-52



retained the distinction of knighthood.<sup>35</sup> She argued that it was more the changing nature and rising costs of knighthood, rather than a crisis amongst the gentry class, which caused the decline of numbers of knights; the military cost of knighthood had continued to rise significantly since 1200 and the ceremonial aspect was becoming increasingly demanding and expensive. Hence she concluded that a stratification took place within the gentry class due to the fact that those gentry lower down the social scale could no longer afford knighthood, unlike their peers of greater material fortune.<sup>36</sup> In response, Coss has recently accepted that major aspects of the Carpenter-Faulkner viewpoint do hold true and, as already mentioned, some of his own work has reflected their conclusions. However, although he has admitted that his use of the Postan hypothesis caused him to exaggerate the extent of decline, he has held to Hilton's argument that it was, in general, difficult for the knightly class to cope with the social and economic pressures of assuming knighthood; whilst holding determinedly onto this part of his argument, he does now favour the term 'transformation' rather than 'crisis' when discussing the position of the thirteenth-century gentry, a concept of 'social mobility' consistent with the idea of 'social gradation' present in Coss's definition of the gentry previously noted.<sup>37</sup>

On closer inspection, the case of Philip and the manor of Burn Toft seems not wholly consistent with either view. Elements of Philip's experience appear consistent with the Carpenter-Faulkner viewpoint and criticisms of Coss; for example, rather than being typical of his class, Philip may have been one of those men suffering his own individual financial crisis whilst still clinging to the title *dominus*. That his crisis was a personal one might be reflected by the fact that the group around him appear to have been stable in their fortune, or in some cases increasing their holdings, such as William de Cumba,

<sup>35</sup> K. Faulkner, 'The Transformation of Knighthood in early thirteenth-century England', *EHR*, 1996, pp. 1-23, p. 19 for this quotation.

<sup>36</sup> *ibid.*, pp. 20-21



who acquired substantial lands not only from Philip but from other gentry families in this period.<sup>38</sup> However, whilst men like Cumba were not suffering from any general 'crisis', the question which needs to be posed is: what type of men were they? Some were certainly not gentry: the clerk Cumba, who is also listed as one of Philip de Bruntoft's free tenants cannot by any possible stretch of definitions be considered to have been perceived as of gentry status. On the other hand, Robert de Elmeden, one of the minor beneficiaries of Philip's grants, who is also listed as a free tenant, was likely a member of the local gentry.<sup>39</sup> Given the fact that those who were benefiting from Philip's perceived 'crisis' were either clerks in the service of the church or local government, or tenants, or monastic houses, this would swing preference back to the views of Coss if one was not mindful of the fact that this is but one specific example.<sup>40</sup> Furthermore, as already stated, the material difference between Philip de Bruntoft and those associated him was probably slight, meaning that his personal 'crisis' was little more than that, as any general social and economic crisis affecting a man of his fortune would likely affect those around him too. What appears most likely here is an interpretation consistent with the newly derived common-ground between the two interpretations; that Philip clearly found it difficult to live up to the economic realities of knighthood and that a transferral of property naturally took place from Philip, as a lesser member of the gentry, to those around him. This included members of the local gentry such as the Elmedens and men who presumably desired to move into this class, many of which probably had an income from their acquisitions which would make them contenders to be considered members of the lesser gentry despite the fact that they did

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<sup>37</sup> P.R. Coss, *The Origins of the English Gentry*, Cambridge, 2003, pp 107-108; see also above, pp. 6, 109-10

<sup>38</sup> See below, pp. 129-30

<sup>39</sup> See below, pp. 123-24

<sup>40</sup> As already demonstrated, Philip granted approximately 100 acres to the almoner and approximately 220 acres to other members of the other men, the major beneficiary of which re-granted his portion to the almoner, which alters the balance in favour more of the almoner - cf. Table 1, above p. 101. However, in terms of assessing to whom Philip was making his alienations it makes more sense to consider the initial

not hold a full manor; their comparative wealth is suggested by their ability to act as creditors and as credible forces in the property market, even if they were listed as 'tenant' or 'clerk'. Such considerations may require a more fluid definition of the lower gentry, in order to recognise such 'social mobility'. In any case, the greater significance of what this represents can only be ascertained by casting an eye wider; to the experience of those who were Philip's contemporaries in position and those who took his place in the pecking order, namely a general consideration of the 'association' which surrounded him.

### III

In determining the contemporaries and connections of Philip de Burntoft it is first possible to trace his free tenants; these men appear to form the core of the association who transacted these land dealings and provides the most convenient starting point in tracing his connections. As already mentioned, the list includes those who benefited from his grants, such as the almoner of the monks of Durham, William de Cumba and Robert de Elmeden, as well as Ralph fitz Bertram, Ralph Bard and Ralph 'the carpenter'. All these men held land around the vill of Burn Toft, some held their land from Philip as local lord, some held lands permanently alienated to them and their heirs. The charter in question, one of the few dated charters (to 1266), acted as a confirmation of their rights of pasture in the fields around Burn Toft and was witnessed by Sirs Richard le Chancellor, Thomas de Herrington and Thomas de Ryhill, knights, as well as Geoffrey de Eggescliffe, John de Hamilton, Geoffrey de Northampton, Robert de Musters and 'others'.<sup>41</sup>

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figure, especially as it seems unlikely that Philip had much say in what Emmett Escouland was likely to do with the lands granted to him. Cf below, p. 126

<sup>41</sup> DCM: 5.1.Elemos.12b.

Essentially, there are two tiers of society here; a local tier of men of an equal or lesser status to Philip and an upper tier of more prominent men of the administration of the bishop who acted as witnesses. Whilst the local tier are less easy to trace past their role in witness lists, it is easier to define the upper tier due to their prominence. The most prominent member is Sir Richard le Chancellor, who acted as seneschal of the bishop of Durham in the 1270s, most probably under Bishop Robert of Holy Island, 1274-83, immediate predecessor of Bishop Bek. It is Stevenson's suggestion that Chancellor did not act as seneschal under Bishop Stichill, which would suggest that all charters which do not style Richard le Chancellor as seneschal must date prior to 1274.<sup>42</sup> It is also interesting to note the inclusion of Sir Thomas de Herrington in this witness list. Herrington acted as an itinerant justice of assize for the bishop with Alan de Walkingham and Guichard de Charron in 1279 and was still active in 1290s.<sup>43</sup> His interest in a man like Philip de Burntoft is less easy to explain than Richard le Chancellor's. Chancellor's position as an officer of the administration might have naturally involved him in the business of the almoner's lands on behalf of the bishop; Thomas, as an itinerant judge, would be more removed from such business. Certainly the idea of a purely local connection having bound together Thomas and Philip seems dubious if one is to assume that Thomas's estates lay local to the town of Herrington, which lay in the north of the palatinate just outside Sunderland, and it seems dubious that he would have been delegated by the bishop to oversee such matters in Burn Toft. It seems more likely that there may have been a connection, no longer evident, borne out of some personal or social relationship between Herrington and Burn Toft. This most definitely says something of the scope of social relations for such men; both were knights but they can be considered lesser members of their class, with apparently limited territorial holdings. This suggests that men of this status had connections which

<sup>42</sup> Cf. DCM: 4.1.Elemos.3, 5, 6, 9

<sup>43</sup> Lapsley, p. 79, no. 6; cf. above, p. 71

could encompass the length and breadth of the palatinate, and that local society was on the one hand highly integrated, but that this integration encompassed a wider territorial area than one might expect for men of a lower gentry status.<sup>44</sup>

It is unsurprising to find the almoner of Durham amongst Philip's free tenants. There are no grounds to dispute the accepted argument that monastic houses across the country were increasing their holdings in this period and Durham would have been no exception; the priory undoubtedly had a finger in most pies in the palatinate. It is worth noting, however, that a more prominent family exists in this list: the Elmedons. It is difficult to place this family territorially in the thirteenth century, although a fourteenth-century IPM of William de Elmeden may cast some light here.<sup>45</sup> That this man was probably the heir of the family is indicated by the fact that the lands he held, which were listed as being held of the lords of Burn Toft, are consistent with those held by Robert de Elmeden in the thirteenth century.<sup>46</sup> William also held the manor of Tursdale, presumably in his own right, the manor of Murton of the heirs of Sir Gilbert Hansard, and lands and tenements in Embleton held jointly of the Earl of Lincoln and the heirs of Hansard and Sir Gilbert de Heworth. Murton had been purchased by William himself at some point, nevertheless it appears that the manor of Tursdale, in addition to Elmeden lands in Burn Toft and Embleton were family inheritances, or at the very least held by the family in the previous century. The link between Elmeden and Hansard is itself significant as Hansard was a prominent Durham knight who, as will be seen below, was also involved as a witness to some of Philip de Burntoft's land transfers. This reflects

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<sup>44</sup> Also note the inclusion of Geoffrey de Eggescliffe in the witness list; a regular member of such lists, his local connections are suggested by his surname. Eggescliffe is situated just south of Stockton on the Durham side of the River Tees which makes it consistent with the territorial area of Philip de Burntoft's scope.

<sup>45</sup> IPM William de Elmeden, 6 Bury, TNA DURH 3/2 f. 18d. (20)

<sup>46</sup> The only other possible contender for William's ancestor is Jordan de Elmeden, a minor witness who appears in 4 grants. However, there is no evidence that he held any real land and he certainly was not a player in the property market, unlike Robert de Elmeden. Robert's acquisitions, and his role as a virtually ever-present witness to the business of Burntoft (indeed, he is the most used, non-knighted, witness in all the business pertaining to Burntoft) are much more in line with a man representing a family of some



how the three men, Burntoft, Hansard and Elmeden, were bound together by a web of links and interests; in this case, Elmeden was a tenant of both, and Hansard acted as a witness for Burntoft. It would be interesting to discover whether Burntoft had acted in this capacity for him. As has already been discussed, Hansard's interests embraced a wide section of Durham society; he was a councillor of Bishop Bek and had independent links with both Herrington and Egglescliffe and other more prominent knights such as Robert de Hilton and John fitz Marmaduke.<sup>47</sup> The significance of this is twofold: first it serves to demonstrate the web of connections which existed in Durham society, the basis of which were transactions in land; secondly, it reflects how lesser knights like Philip de Burntoft had access to men with wider connections in this web. Philip could reach down the scale to his tenants, conduct business laterally with men on his level, and cultivate links with knights higher up the social scale who had connections with the leading landholders and administrators of the palatinate.

As the greatest number of individual grants by Philip de Burntoft was made to the almoner of the monks of Durham, this collection provides a convenient starting point to investigate the wider association and the men who witnessed these transactions. What is immediately evident is that different groups of men witnessed different elements of Philip's land transactions. In the case of those transactions to the almoner, a typical example can be seen in a grant made between c.1258-1273 of a field in Burn Toft. The witnesses of this grant were knightly in flavour, including: Thomas de Herrington, Roger de Lumley and Richard le Chancellor, knights; Richard de Middleton, Peter de Brandon and Adam de Darlington, clerks; and accompanied by Emmett Escouland, Walter de Alansheles and Henry de Hornby.<sup>48</sup> In this grant, the knightly element is balanced out by local clerks, such as Adam de Darlington, and finally rounded off with

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property with a much larger stake in Burntoft and its society, making him the only possible contender as William's ancestor. See also below, p. 123-24

<sup>47</sup> Cf. above p. 47

<sup>48</sup> DCM: 5.1.Elemos.11a



three men of indeterminate status. As far as these three men are concerned, there is no evidence to suggest that we should rank the Alansheles or Hornby amongst the gentry and it seems far more likely that they are local tenants or men attached to one of the parties in some way, but Escouland himself presents greater scope. Fuller discussion of Escouland can be found below, but suffice to say at this point that the grants made to him by Philip for previous favours demonstrate that he was a man of some substance, as well as an independent player in the property market, seemingly with connections with several of the leading gentry.<sup>49</sup> To rank Escouland as one of those men with the material fortune to be considered as approaching gentility, or there in all by name, by his contemporaries, would make sense from a hierarchical point of view, which leads to a discussion of the significance of the technical aspects of the witness list.

It has already been shown in chapter two that there were highly organised 'sub-divisions' in the office-holding affinities that dealt with grants of land by the central administration.<sup>50</sup> This grant reflects a similar pattern, or 'pecking-order' of knights, supported by clerks and finally the minor landed gentry and tenants from the locality to which the charter pertains. This would explain the placing of Escouland, who obviously could not be included amongst the knights and therefore led the group of local men due to a greater material, and landed, fortune which secured social pre-eminence over them. The significance of this is twofold: first, it demonstrates consistency in the form of witness lists across two areas of social and administrative activity; and second, it suggests that this method of composition and organisation was in place much earlier in thirteenth century than has so far been suggested. This suggests continuity in how the administration, and local lords, organised Durham society in the transaction of a variety of business during a period where one could expect significant changes in social organisation in a short space of time because of perceived 'upheavals' such as social

<sup>49</sup> DCM: 4.1.Elemos.11; see below, pp. 128-129

<sup>50</sup> Cf. chapter 2, *passim*.

and economic insecurity, or war with Scotland. In short, the witness lists continually demonstrate a basic way of 'getting things done' which does not change.

There are also examples which reflect a much more localised affinity. This is reflected by Philip's concession of part of the field of Thaedaes to the almoner, which was witnessed by William de Cumba and Richard de Fuleford, chaplains, Geoffrey de Northampton, Elias Baard and John and Henry de Hornby.<sup>51</sup> In effect, this is the same type of list, shorn of its knightly element. Similar patterns are evident in grants to the almoner of a meadow and footpaths in Embleton witnessed by Cumba and Fuleford, as chaplains, with Elias Bard, Henry and Robert de Haye, John de Wolviston, Ralph Bard, Robert de Elmeden and Ralph de Burntoft, carpenter, as well as a series of lands held around Burn Toft by Robert Steng and William Bertarri witnessed by Lord Richard de Claxton, vicar of Billingham, William de Cumba and Ralph fitz Bertram de Burntoft, chaplains, Geoffrey de Eggescliffe, Elias and Ralph Bard, Henry de Haya, Robert de Elmeden, Ralph de Cumba, and many others.<sup>52</sup> In all these examples there is a clear pattern of a leading group of ecclesiastical officers backed up by a collection of local men and some of Philip's free tenants for good measure. At least one of these men was of gentry status, namely Robert de Elmeden, which makes his positioning in these witness list somewhat puzzling as he presumably outranked others in the list, although there is a simple possible explanation; namely, that Elmeden's gentry status was based on the overall extent of territorial interests outside the locality whereas his lands in Burn Toft itself were little more than various lands and tenements, presumably the same as the others local men in the list. As this witness list was an exclusively local affair, men were likely judged on their local prominence, rather than lands held outside the vill, or even put in their order due to the personal preference of the lord himself. In any case, the significance of this witness lies mainly in the fact that this suggests that local lords

<sup>51</sup> DCM: 5.1.Elemos.8

<sup>52</sup> DCM: 5.1.Elemos.9; 5.1.Elemos.7

like Philip recognised the worth of cultivating the local affinity as the backbone of their associations, as well as currying favour further up the social scale.<sup>53</sup> This is demonstrated further by grants which are almost purely local in the connections evident; an example of this can be found in a grant of 18 acres of arable land and 1½ acres of meadow to the almoner witnessed by Geoffrey de Egglescliffe, Geoffrey de Northampton, Stephen de Hoton, Bertram de Wolviston, William de Darlington, Elias and Ralph Bard, Henry de Haya, Robert de Elmeden and Ralph de Cumba.<sup>54</sup> In this example, the ecclesiastical officers are absent and the list is headed by Egglescliffe and Northampton, however, again, it does not appear necessary to place too much emphasis on the ranking of the witnesses in this grant as it seems likely that there was very little material difference between these men in terms of their influence within Burn Toft, and it is clearly this upon which the ranking is based, hence the absence of higher ranking witnesses from outside the locality.

As the most coherent group of charters, the grants to the almoner provide an interesting snapshot of the local association of Philip's time. They reflect three types of association; one influenced by palatinate knights and administration; another influenced by local clerks who may also have been officers of the administration; and a predominately local one. Nevertheless, distinctions between these types are not great and the most frequent figures are Henry de Haya, who appears in 8 charters, Robert de Elmeden and Ralph Bard, both of whom appear in 7 of the charters.<sup>55</sup> It should be noted that what has been defined as the local affinity of Philip is always in place as the backbone of the association, however in the case of the first two examples the knightly or clerical element has been superimposed over the local men.

<sup>53</sup> The inclusion of Richard de Claxton in the last example is interesting in itself due to the fact that the manor eventually passed into Claxton hands in the later fourteenth century. However, as he is only mentioned twice in the witness lists, it is probably more likely that his inclusion was simply due to his status as a local priest (the Vicar of Billingham) rather than indicative of long term Claxton interest as early as the late thirteenth century.

<sup>54</sup> DCM: 5.1.Elemos.2

A closer examination of these charters, however, supplies further clarification of the reason for the grants being made. In themselves, the charters to the almoner only shed little light; those which do record a reason for the grant simply record it as a contribution to 'the support of poor people' which the almoner was to undertake. It seems likely that this was simply a nominal reason and unreflective of the real reasons for the grant; as Coss argues, 'many purchases and redemptions are couched as pious donations and it seems comparatively rare for cartularies to contain bonds and acquittances.'<sup>56</sup> There is more scope for discussion on this matter in Philip's grants to the local gentry, specifically his grants to Emmett Escouland. Philip conceded a total of 83 acres as well rights of common pasture for a number of Emmett's animals in return for an unspecified amount which Emmett had lent to Philip 'in his great need' prior to this series of grants, and as Coss indicates, phrases such as *maxima necessite mea* indicate the existence of debt.<sup>57</sup> Indeed, for the overall 90 acres which he conceded to Emmett, Philip could expect a rent no higher than 4d. per annum (or 3d. and a pair of gloves at the feast of St. Cuthbert in September).<sup>58</sup>

These grants are also significant for the fact that they involve an association which differs from that noted under the almoner. Philip's grant of 5 acres to Emmett Escouland was witnessed by Sirs Richard le Chancellor, Seneschal, Henry Gategang, Gilbert de Laton, William de Caune, knights, Elias de Aldacris, Robert de Caune, Jordan de Elmeden, Ralph Bard, Robert de Elmeden and Robert *clericis*.<sup>59</sup> The only names here which are consistent with the pattern noted under the almoner are

<sup>55</sup> Cf. Appendix 2.2.1, Table a.

<sup>56</sup> The charters in question are DCM: 5.1.Elemos. 2, 4, 7, 8, 9, 11a – They account for at least 32½ acres but they also include a large number of charters where the extent of the land is not clearly stated, meaning that the true extent of these lands may be as much as twice this value, if not more. Cf. also Coss, 'Langley...' p. 23

<sup>57</sup> DCM: 4.1.Elemos.9; Coss, 'Langley...', p. 23

<sup>58</sup> There is a difference between the figure here of 90 acres and that of 83 acres stated beforehand due to the fact that not all of the grants made to Philip were done so in return for something previously lent, the remainder are given for an unspecified reason. Note that the figure of 90 acres is, as stated above, an approximate total – cf. pp. 111-112

<sup>59</sup> DCM: 4.1.Elemos.9



Chancellor, Bard and Robert de Elmeden. Nevertheless, a grant of 66 acres, a toft, and rights of common pasture for 8 oxen and 2 other unspecified animals was witnessed by Sirs Gilbert Hansard, Richard le Chancellor, Seneschal, Hugo de Chapelle, John de Rungtone, Gilbert de Laton, William de Caune, knights, John Shirlock, Bertram de Wolviston, William de Cumba<sup>60</sup>, Robert de Elmeden, Ralph Bard and Walter de Fery.<sup>61</sup> The composition of the witnesses of this grant is much more consistent to that noted in the case of the almoner; in addition to the three men already noted, Chapelle, Rungtone, Laton, Shirlock and Bertram de Wolviston had acted as witnesses to grants to the almoner. The inclusion of Hansard is significant as further evidence of his connections with Philip and the local society of Burn Toft; he appears in a further two of the grants to Emmett.<sup>62</sup> Further evidence of continuity between the two types of list can be seen in the inclusion of Sir Thomas de Herrington in two of the grants (in both cases ranked beneath Richard le Chancellor) alongside Sir Marmaduke fitz Geoffrey, who leads the list of witnesses in the same charters, and all three men were witnesses to Philip's concession to the almoner of the lands he held of Emmett Escouland.<sup>63</sup> The most prominent witness from amongst the knights, however, is Sir William de Caune, who appears to have had nothing whatsoever to do with the almoner.<sup>64</sup> In short, there appears to be an interesting mix of people here, some are of whom are consistent with Philip's grants to the almoner, others most definitely not; why is this, and what does it mean?<sup>65</sup>

There is one other point with regard to Emmett Escouland which deserves attention; that he appears to be the only one of the beneficiaries of Philip de Burntoft who granted away the lands conceded to him, and granted them away wholesale. With the exception

<sup>60</sup> Styled as William, the Procurator of Ellwick.

<sup>61</sup> DCM: 4.1.Elemos.6

<sup>62</sup> DCM: 4.1.Elemos.10 & 22

<sup>63</sup> The two charters to Emmett referred to here are DCM: 4.1.Elemos.7 & 8, whereby 14½ acres were conceded to Emmett. Philip's concession to the almoner of all the lands which he held of the gift of Emmett can be found in DCM: 4.1.Elemos.13.

<sup>64</sup> Caune's name appears on 6 of the 7 charters dealing with Philip's grants to Emmett. For this, as well as the other statistics I have used in this paragraph, see Appendix 2.1.1, a.

<sup>65</sup> See below pp. 128-33



of a mill, Emmett granted to the almoner 84 acres of the lands transferred above, and a further 7 acres he had previously held of Philip, a total of 92<sup>66</sup> acres to be held by the almoner from Philip in free alms; the grant was witnessed by fitz Geoffrey, Herrington, chancellor, Adam de Fulthorp, knights, John de Egglescliffe, Walter de Selby, Robert de Brunninghill, Thomas de Whitworth, Alexander de Biddick, William de Levingthorp, John de Brafferton and Gilbert de Feyre.<sup>67</sup> This is the only alienation made by Emmett, and there is no evidence that it was made of necessity, or out of debt; indeed, as well as being to assist the 'support of the poor', it was also made for the good of his soul, and the souls of his heirs and ancestors. This, in conjunction with evidence that he was a creditor of Philip's, suggests that the grant was made for exactly the purpose stated by a local man doing rather well out of the property market, who was clearly wealthy enough to be a member of the minor gentry, and was clearly attempting to elevate his status in the eyes of the monastery that he was supporting. There is certainly nothing to suggest that he was 'in crisis' like Philip, quite the opposite.

There is also the question of how much involvement, if indeed any, Philip would have had in this transfer as the overlord of the property. His lack of inclusion as a witness and his situation as debtor suggests he had little choice in this matter, and if this is so it says much of the decline of the potency of his lordship over his manor. The regular transfer of lands of which Philip was nominal lord was a business from which Philip appears aloof; 14 of the acres which Emmett conceded to the almoner had been transferred by Philip from Walter, the hosteller of the monks of Durham, and Adam fitz Gregory to Emmett.<sup>68</sup> Philip's involvement in such transactions is notable through their absence, in stark contrast to the fourteenth century lords of Burn Toft, who had a discernable 'finger on the pulse' as far as land transactions amongst their tenants within the manor were

<sup>66</sup> This total also included some small miscellaneous lands, hence the addition of an extra acre.

<sup>67</sup> DCM: 4.1.Elemos.11. Without exception, all the men listed here as witnesses acted as witnesses for Philip at some point in the thirteenth century – cf. Appendix 2.1.1, Table a.

<sup>68</sup> DCM: 4.1.Elemos.7

concerned, as reflected by their regular occurrence as witnesses to such business.<sup>69</sup> Whilst his tenants appear to have been making their own way, Philip was active in transferring the properties, personages and families of his serfs to other men; for example, he granted Alexander fitz Robert, the reeve of the manor of Burn Toft, along with his family, to the almoner of Durham.<sup>70</sup> The control of lands held by such 'unfree' people was obviously an easier matter than those held by the 'free'. Nevertheless beyond this, Philip's apparent lack of involvement in what was happening around him is pointed, and lends credence to the view that thirteenth century holders of small manors often could not make their lordship a reality.<sup>71</sup>

It is worth taking a closer look at the grant made to Ralph de Cumba. These 33 acres were granted in return for one pound of cumin per annum and witnessed by Sirs Gilbert Hansard, Richard de Kilkenny and William de Kilkenny, knights, William de Cumba, Simon de la More, Jordan de More, Robert Gernet, Robert de Mersey, Robert de Elmeden and John de Hurpath, clerk. Philip made another grant of 3 rods of meadow for ½ penny per annum, witnessed by Sir Richard de Kilkenny, de la More, Gernet, Mersey, Elmeden, Cumba, Ralph and Elias Bard, Thomas fitz William of Ellwick and the clerk Hurpath.<sup>72</sup> Beyond the obvious similarities between the two lists, a number of pertinent observations can be made here; first, the inclusion of men who have not yet been cited as witnesses, such as Simon de la More and Robert Gernet, evidence perhaps of different men being involved in different areas of Philip's transactions; secondly, and inversely, the inclusion of men who provide continuity with other areas, such as Hansard, Elmeden, Cumba and Ralph and Elias Bard; and finally, and perhaps more

<sup>69</sup> See below, p. 144-52

<sup>70</sup> DCM: 5.1.Elemos.10a. Such a charter is worthy of note as it is very rare to have survived for this period, especially within Durham (thanks to Mr. Pat Mussett of 5 The College for this information). It is also interesting to note that the Reeve of Burntoft was himself a serf. The charter was witnessed by Richard de Fulthorp, chaplain, William de Whitby, clerk and cellarer of Durham, Geoffrey de Northampton, Emmett Escouland, John and Henry de Hornby, John de Kimelsworth and Geoffrey de Hundsley.

<sup>71</sup> Coss, 'Langley...', pp. 15-16

<sup>72</sup> DCM: MC 168; 5.1.Elemos.26

significantly, the inclusion of another gentry family, the Kilkennys. They were the lords of the manor of Stotfold, which lay to the north of Burn Toft; the men cited here, William and Robert, may have been father and son, although their contemporary status makes it more likely that they were brothers. Their high position in the lists suggest they were men of important local status, which makes their absence until this point interesting. Their inclusion ranks them amongst those men distinctive as 'new' to us in these charters and it may be that they were another example of men involved by Philip in only one area of his land transactions.

Pleasantly, a more interesting analysis is possible as William and Robert were active in other areas. William, Lord of Stotfold, acted as lead witness in a grant by Philip of lands formerly held by Robert Stenge and William Bercarri to Philip's brother, William; the other witnesses included such 'old hands' as Cumba, Elmeden, Ralph Bard and Richard fitz Laurence of Wolviston.<sup>73</sup> Richard de Kilkenny, most probably erroneously styled Lord of Stotfold, later witnessed the transfer of all remaining lands held by Stenge and Bercarri from Philip to his brother William, alongside Hansard, Elmeden, Ralph Bard, fitz Laurence and a collection of other men.<sup>74</sup> William also acted as a witness to a grant of 36 acres of land from Philip to William de Cumba.<sup>75</sup> Overall, William de Kilkenny is the fourth most prominent knight in the witness lists as a whole, ranked behind Hansard, William de Caune and Thomas de Herrington.<sup>76</sup> The evidence suggests that the Kilkennys were in fact developing their influence in Burn Toft, probably as a result of Philip's decline. As neighbours, and men of similar status, to Philip they are important as they further demonstrate that Philip's contemporaries were

<sup>73</sup> DCM: 4.1.Elemos.3

<sup>74</sup> DCM: 4.1.Elemos.2 – This is the only example where Richard is styled Lord of Stotfold; this, in conjunction with the existence of a William, son of William Kilkenny, Lord of Stotfold, in the fourteenth century (who presumably succeeded his father as lord) leads me to suspect that the styling of Richard as lord here is an error, cf. DCM: MC 182

<sup>75</sup> DCM: MC 165

<sup>76</sup> Appendix 2.1.1, b.

not suffering the same fate as he was due to any general social and economic crisis. Their survival into the fourteenth century is further evidence of this.

Of course, the most impressive example of a beneficiary not only of Philip but from the land market as a whole in Burn Toft is William de Cumba; he was also one of the most active men in the witness lists to Philip's other grants, witnessing no less than 15 charters dealing with the almoner, Escouland, Ralph Bard, Ralph de Cumba and William de Burntoft. Cumba is predominately styled as a chaplain, and in one case as procurator of Elwick Church, although there are instances where he appears without any title. In the three cases of the families or individuals from whom he acquired land, there is evidence that this was due to the financial difficulties of the grantor: in the case of Philip, the approximate total of 44 acres was surrendered for a maximum total rent of 2½d. per annum; he also acquired 6 acres from Bertram de Burntoft for an annual rent of 1d.; and finally, he acquired no less than 100 acres from the Munpere family, surrendered by Agnes daughter of Walter Munpere for only 1 pound of cumin per annum.<sup>77</sup> The charters dealing these acquisitions are witnessed by a roughly stable collection of men, such as Sir William de Caune, Simon de la More and Richard fitz Laurence, as well as men specific to this selection of grants.<sup>78</sup> The significance of William de Cumba and his acquisitions lies partly in the fact that he could be ranked amongst the religious *curiales* who Coss argued were the main beneficiaries of the problems faced by the gentry in the thirteenth century.<sup>79</sup> Nevertheless, as there are examples of other men comparable to Philip in social status who were doing well in the conditions of the late thirteenth century, this cannot be seen as a general endorsement of any crisis of the gentry class.

<sup>77</sup> For grants from Philip cf. DCM: MC 165-67, for Bertram de Burntoft cf. DCM: MC 130, for the Munperes cf. DCM: MC 158

<sup>78</sup> For more detail cf. Appendix 2.1.1, a.

<sup>79</sup> See above, p. 114-15



Furthermore, if there was a 'crisis' in thirteenth century Durham which was protracted enough to effect gentry society at Philip's level then how could any of the men in his association survive if the lord of the manor could not? A detailed exploration of Philip's transactions has revealed that minor gentry men like Emmett Escouland and clerks like William de Cumba appear to have benefited greatly from Philip's situation and consolidated their holdings in the period; the former through acting as a creditor to the embattled lord of the manor, the latter using, presumably, the income from office-holding to make himself into a potent force in the land market. Other members of the gentry of a comparable status to Philip, such as the Kilkennys, also appear active in the area, dismissing any notion of there being an economic and social crisis for the minor Durham gentry in this period. A consideration of the witness lists from these transactions has also been useful in demonstrating the consistency of the local association of Burn Toft throughout Philip's troubles, members of the gentry such as Robert de Elmeden, and tenants like Ralph and Elias Bard, John Shirlock or Richard fitz Laurence; these men were all stable as Philip's contemporaries and associates. Other men come and go in the witness lists but this probably says more of different areas of specialisation, a point addressed below. In short, the evidence reflects that the local society in Burn Toft in the time of Philip de Burntoft was composed of minor gentry, acquisitive clerks and tenants of the lord whose material fortunes were either stable or increasing at his expense. In many ways, it appears that the only person really doing badly in Burn Toft was its lord of the manor.



## III

A more detailed analysis of the witness lists can be made through tabulation which illustrates the trends evident in the types of men and their areas of activity.<sup>80</sup> Table a. is a breakdown of the number of witnesses in each list; it is sub-divided into four sections: the knights; the ecclesiastical officers and clerks; the major witnesses from amongst the local gentry and tenants; and the minor witnesses from amongst the other tenants. It is the first and third sections which are of most interest here. Table b. attempts to work out a rank order for the individuals who compose the first three sections, based upon two factors; the number of times they are mentioned overall in all the charters pertaining to Philip's grants, balanced by the number of different types of list in which they appear, which are represented by columns A and B in the following table. The assumption behind this method of calculation is that with two men with a similar number of overall mentions, if one is mentioned in four types of list and the other in only two, then the former would be considered more influential overall in the locality because of a greater scope of involvement. There are, however, some exceptions to this rule, and where these exist they are based on the position of a man within the original lists, for example, a significantly higher placing in the actual witness lists generally denotes a higher ranking in society.<sup>81</sup>

This method of presenting the evidence allows a comparison between the knighted gentry and the non-knighted gentry and tenants; from this, several themes can be drawn. The first, and obvious, observation is that one list is larger than the other. Mention is made of 20 individual knights in the witness lists, whilst there is a total of 64 other men who are either gentry or local tenants. For the purposes of comparison, one may safely eliminate all those with either only 1 mention in witness lists, or where there is no

<sup>80</sup> Appendix 2.1.1, a. and b., which should be referred to throughout this section.

evidence to suggest that they held enough land or income to be of gentry status, which reduces that figure of 64 to 32 gentry or major tenants to be compared with the 20 knights. With regard to the method of calculation used it should be noted that the figures are now slightly biased in favour of the knights, who by the same criteria of elimination in terms of number of mentions in the witness lists should be reduced by 6 of their number to 14. This figure has not been reduced, however, because of the higher status of this group; simply put, the single mention of a knight is more significant due to his social status and this should not be removed.

Second, it can be noted that the knights in general act as witnesses with much less frequency than members of the local gentry and tenants. Furthermore, there is also a significant difference between the members of the former list and the latter list in terms not only of material fortune but role and standing in society. To clarify, although one would obviously expect there to be a difference between the two lists, there appears to be a significant chasm between them of men of a minor gentry status, rather than an smooth 'pyramid' of social standing. For example, the former list includes the likes of men such as Richard le Chancellor, Gilbert Hansard and Adam de Fulthorp, whereas the second list is headed by Robert de Elmeden, who is the only member of the second list for whom there is any evidence of gentry status, and with the exception of him, there are no other men of an apparent non-knightly gentry status; this means that in the absence of evidence to the contrary, most must be considered of undeterminable status and likely tenants and other local sub-gentry, especially the further down the list one travels. This makes the domination of this list by this group even more significant. Examples of charters with no knightly flavour have already been highlighted in this study, but this

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<sup>81</sup> For a more detailed description of how calculations are made, as well as a list of the exceptions to the rule and their justifications, see the note to Table b., of Appendix 2.1.1.

theme can be illustrated to greater effect through a comparison of the ten leading figures from the knights and the gentry.<sup>82</sup>

Table 2. A comparison of the leading knights with the non-knighted gentry & tenants in the witness lists.

Knights	A	B	Non-knighted gentry and tenants	A	B
Gilbert Hansard	10	4	Robert de Elmeden	23	5
William de Caune	12	3	Ralph Bard	23	4
Thomas de Herrington	7	3	John Shirlock	11	5
William de Kilkenny	6	3	Bertram de Wolviston	11	5
Richard le Chancellor	8	2	Richard fitz Laurence	10	5
Marmaduke fitz Geoffrey	4	3	Henry de Haye	12	3
Geoffrey de Parco	4	2	Elias Bard	10	3
Hugo de Chapelle	3	2	Jordan de la More	10	2
Richard de Kilkenny	3	2	Geoffrey de Eggescliffe	9	2
Adam de Fulthorp	3	2	Geoffrey de Northampton	7	2

A - Represents the total number of times the individual is mentioned in the witness lists.

B - Represents the number of types of witness list in which the mentions take place.

Robert de Elmeden and Ralph Bard, the most significant from amongst the minor gentry and tenants, acted as witnesses in 23 charters each, whilst Gilbert Hansard and William de Caune, the most significant knights, acted as witnesses in 10 and 12 charters, respectively. This evidence reflects that not only are there fewer knights acting as witnesses, but that those who do act as witnesses do so with less frequency than their counterparts from amongst the non-knighted gentry, especially lower down the social scale.

The minor gentry and tenants, as a collective entity, contain a greater number of significant witnesses. Eight of the top ten of this list are mentioned in ten or more of the charters, compared to only two of the knighted gentry, and there are no men with less than five overall mentions ranked amongst the top ten major gentry, compared to no one

<sup>82</sup> The following table is drawn from the large version of Appendix 2.1.1., b.

with less than three mentions in the top ten knights. Furthermore, in terms of the number of mentions, the knighted gentry decline much more rapidly in their inclusion as one goes down the scale than in the case of the minor gentry and tenants; below the level reflected by the above table there are eleven men from amongst the minor gentry and tenants with between seven to three mentions in the charters and it is only with the twenty-second name on the list (Alexander de Biddick, ranked joint seventeenth overall) that men of only two mentions are found. In the case of the knights, only two of the ten men below the level reflected in the above table have two or more mentions.<sup>83</sup>

The lower figures for the knights can perhaps be partially explained by a closer consideration of who they actually were, with particular reference to Sir William de Caune. Although ranked second amongst the knights, Caune actually has the highest number of overall mentions in the charters, 12 as opposed to the 10 of Gilbert Hansard.<sup>84</sup> Men like Hansard, and Thomas de Herrington and Richard le Chancellor, who follow Caune in second and fourth places with 7 and 8 overall mentions respectively, identified their interests much more generally across the palatinate and in its administration; Caune's interests do not appear to have reached that wide and it seems most likely that his interests were limited to the south-east of the palatinate. As a local knight, his interests probably had more to do with men like William de Kilkenny, or Robert de Elmeden. This would also suggest, however, that local knights had as much significance at a local level as more 'palatinal' knights; this explains the position of Caune and Kilkenny alongside such men, who were often engaged on other business in other areas.

Finally, it can also be noted that knights appear in fewer types of lists than members of the minor gentry and the tenants. In the composition of the table, six types of charter were noted. No one individual appears in all six, but 4 of the knighted gentry appear in

<sup>83</sup> Refer to Appendix 2.1.1., b. for the figures which are outside of the range of Table 2 here.

<sup>84</sup> Hansard is ranked higher because he appears in more lists than Caune.



5 types of list and another 2 appear in 4 types of list; only one of the knights, Gilbert Hansard, appears in 4 types. In general, members of the minor gentry and tenants feature in more types of lists than members of the knighted gentry, suggesting that members of the lower social tier were used on a more consistent basis for this type of business; this makes sense in relation to the point already noted that the knighted gentry, as the more important and wealthier members of the class, had wider interests than local affairs in Burn Toft.<sup>85</sup> This is apparent through closer attention to Table a., below; with the exception of Hansard, Caune, Herrington, Kilkenny, and fitz Geoffrey, most knights were specific to one or two types of lists; in terms of the lesser men, there are a greater number active across all areas. However, although more of them are active overall, once one looks below the top ten of these lists the transferability becomes less marked than in the case of the knights lower down the scale. Thus, one can conclude that the higher ranked amongst the minor gentry and tenants (with the addition of Sir William de Caune from the knighted gentry) were the most consistent and diverse witnesses overall, whereas the rest of the knighted and the lower ranks of the minor gentry and tenants were more specific to grants pertaining to specific people; in the case of the former, this was due to their other interests outside the local area, in the latter case, this was due to their position at the bottom of the scale in rank and position.

Overall, these lists can help one to distinguish trends which aid an understanding of the functioning of local society in the manor. In basic terms, the lists reflect the men who formed the association which transacted the business of Philip de Burntoft's land grants, but they also illustrate the men who wielded the greatest influence in the area. There were those men whose interests traversed the extent of that business, but there were also those men whose interests were more specific to certain areas of that business, or rather to business pertaining to certain individuals, such as the almoner of Durham;

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<sup>85</sup> Thus, their less frequent use in Burn Toft was due to the fact that they were being cited in a greater number of charters across the Palatinate as a whole because of their wider interests, as opposed to those



this also allows one to determine what kind of men wielded the most influence across the associations due to the number of types of list in which they are included. It is also evident from the tables produced that it was not just individuals but rather groups of men, particularly amongst the minor gentry and tenants, who witnessed certain types of business. Furthermore, and perhaps more importantly, the evidence shows that it was not necessarily the knighted gentry, who one would consider to be the most important men in the locality, who appear most influential locally, such as men like Chancellor and Herrington. Indeed, some members of the minor gentry, such as Robert de Elmeden, or men who seem little more than tenants, such as Ralph Bard, played either an equally significant or greater role in local society, along with locally based knights such as Sir William de Caune. In the palatinate at large, the more important knights would undoubtedly have greater significance, but in terms of more local manorial society the minor gentry and most influential sub-gentry and tenants appear to be the backbone of that society, and of local associations.

#### IV

The surrender by Philip de Burntoft of the lordship of the manor of the Burntoft to John, son of Peter of Hartlepool, can be considered a watershed in this study. The charter is undated but *ante* 1300, conceding what remained of

the manor of Burn Toft with the lordship of the same vill as well in demesnes as in services, in free and villein tenures, in homages, with custodies and reliefs...[etc.]...and all things which by hereditary right ought to descend to Philip. To have to John and heirs, of the lords of Dalden with their heirs as Philip and his ancestors held of the same lords, with

all liberties [etc.], within and beyond the vill of Burn Toft to the said manor and lordship belonging; doing service to these lords.<sup>86</sup>

The charter was witnessed by a collection of men with whom we are already acquainted: William de Kilkenny, Simon de la More, Ralph de Burntoft (chaplain), Ralph Bard, Ralph Cumba, Jordan de la More, Robert de Caune, Bertram de Wolviston and Richard fitz Laurence of Wolviston.<sup>87</sup> In one respect these men represent those whose influence in the vill and manor was both stable and in the ascendancy; nevertheless, what effects would a change of lordship have upon their fortunes and how would local society change as a result? There are two themes to consider here: first, it is necessary to trace those men who had benefited from Philip's grant and their fortunes under the new lord; second, to assess the witness lists of the fourteenth century to see if the same men, or their heirs, remain as stable as in the late thirteenth century.

One must first consider the new lord, John, son of Peter of Hartlepool. His assumption of the lordship seems to have come out of nowhere. He had not figured in any witness lists of the thirteenth century, although he was the subject of two grants: one from Philip to Burntoft of an unspecified extent of lands and tenements formerly held of Matilda de Duffeld in Burn Toft; the other, a mill and a field, from the prior of Durham.<sup>88</sup> Furthermore, John must have been familiar with elements of the local society in Burn Toft; the former charter was witnessed by William de Kilkenny, Elias and Ralph Bard and Ralph Cumba amongst others, and John most likely had connections with men whose interests were wider, such as the witnesses of the latter grant, which included Sir Gilbert Hansard, Sir Thomas Herrington and, more prominently, Sir John fitz Marmaduke. John's rent to Philip for the former grant was nominal, merely 1 penny, but his rent to the prior was much more substantial at 2 marks per annum; John was

<sup>86</sup> *Greenwell Deeds*, no. 78, p. 38 Note that this grant refers to Philip's ancestors, it makes no mention of expunging the rights of any successors, which may provide more evidence that Philip had none.

evidently a man of some wealth, or at the very least a more stable financial background than his predecessor as lord of the manor, something which is also suggested by the dealings of John's successors in the fourteenth century. Although these are limited to three charters, none of these includes any alienations of land; two of these charters deal with the granting of a mill (and permission from Bishop Kellawe for William, John's son, to grant the right to grind corn there) to the priory of Durham; the other was actually concerned with the recovery of lands by the new lord of the manor.<sup>89</sup> A clue to the stronger financial position of the family may lie in their origins and location. That they were based at Hartlepool suggests that the family may have been merchants or burgesses of the town; indeed the burgesses of Hartlepool had acted as a witness to one of Philip de Burntoft's grants to the almoner, which is unsurprising in itself as the manor lay just outside the town.<sup>90</sup> The source of the fortune of the new family in Burn Toft was most probably income from trade. Consequently, John and his son William must have been very different types of men to Philip of Burntoft.

Despite this, the heirs of some of Philip's contemporaries can still be traced. It was noted earlier that the fourteenth-century heir of Robert de Elmeden was most probably William de Elmeden. The presence of William, however, was nowhere near as stable as his ancestor's had been; Robert de Elmeden, indeed, had been the most prominent non-knightly witness of Philip's grants. William, however, did not figure in any witness lists and his only business in Burn Toft appears to be the allocation of lands of a very small extent to his daughter Teffanie and his son and namesake, William, in the first quarter of the fourteenth century; there is no mention of the family after 1326, by which point the elder William was dead.<sup>91</sup> Although the IPM of William demonstrated the family

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<sup>87</sup> Witness list drawn from the original, DCM: MC 127

<sup>88</sup> DCM: MC 199, copied MC 6118; 5.1.Elemos.21a.

<sup>89</sup> DCM: MCs 148, 151, 198

<sup>90</sup> DCM: 5.1.Elemos.15

<sup>91</sup> DCM: 4.1.Elemos.18

gained lands in Durham as a whole, their interest in affairs within Burn Toft seemed to have waned.<sup>92</sup>

Another family seemed to have prospered better; Master William de Burntoft, clerk and son of Ralph de Cumba. He appears to have consolidated his position in Burn Toft. In 1308 he received an admittedly meagre grant of a messuage and a croft formerly held by his mother from Simon de Burntoft, followed by a grant of Simon's meadow at Stainford in Burn Toft in 1313, and a more substantial grant of 115 acres of arable land and 12 acres of meadow quit-claimed without any future demands from Robert Gernet in 1332.<sup>93</sup> In 1313 William granted a rent of 15d. per annum to the lord of Burn Toft and his heirs 'from a certain toft and croft that lies immediately next to the manor of the aforesaid Ralph [his father]';<sup>94</sup> this seems interesting not only because he was conceding a rent to the new lords, but also because of the mention of his family possessing a manor.<sup>95</sup> Ralph de Cumba had only acquired 35 acres from Philip; his son's fortunes had grown spectacularly in comparison and the mention of a manor and the granting of a rent suggests that the family had developed a significant material fortune and a greater position of influence in the local area. Certainly, the family now meet the definition of the gentry already made in this thesis. This change of fortune undoubtedly had something to do with the fact that William's sister, Margaret had married John, the son of William (himself son of John), Lord of Burntoft, at some point before 1311, although the closer connections between the two families also led to William de Burntoft conceding half the lands gained by his father to John and Margaret in that year.<sup>96</sup> Overall, however, the connection was probably favourable for both

<sup>92</sup> IPM William de Elmeden, 6 Bury, DURH 3/2 f. 18d. (20), see above, p. 123

<sup>93</sup> DCM: MCs 132, 6121, 176

<sup>94</sup> DCM: 5.1.Elemos.27

<sup>95</sup> It also suggests that Ralph de Cumba may have possessed more substantial personal holdings besides the grants from Philip.

<sup>96</sup> DCM: MC 198



families, and the heirs of Ralph de Cumba can be more than said to have maintained their father's position.

These two men, William de Burntoft and William de Elmeden, are the only men from the families of the beneficiaries of Philip who can be traced in the charters, and the picture they present is somewhat mixed. The best which can be said of William de Elmeden is that his fortunes in Burn Toft likely remained stable, although his absence from the witness lists suggests that he wielded less influence in local society. On the other hand, the heir of Ralph de Cumba continued to develop his father's fortunes and most likely had some influence with the local lord, his brother in law. Nevertheless, although there is no mention of the other men who benefited from Philip's grants, there is no evidence of them having lost their lands; certainly had any of them lost out to the almoner or the lord of Burntoft, there would be some record of it.<sup>97</sup> It is also interesting to note that despite his increased influence, William de Burntoft similarly does not figure in witness lists; this maybe partly explained by a change in the type of witness list in the fourteenth century.

## V

The witness lists of the fourteenth-century charters reflect both a change in their format, and in the men which they feature. Unlike those of the thirteenth century, most of these charters are dated; some are identifiable only as being of a fourteenth-century hand, but they evidently refer to the first quarter of the century because of the men to whom they refer – the earliest dated document is 1307 whilst the latest is 1334.<sup>98</sup> It is less easy to combine these charters as an entity because they deal with a far greater variety of people

<sup>97</sup> Also, the first ten years of the fourteenth century are something of a 'black hole' as far as the records are concerned, which may contribute to the sudden absence of these men from the records.

<sup>98</sup> Other documents exist for the fourteenth century but the next dated document is outside the scope of this study.

and business than those of the thirteenth century. Fourteenth-century Burn Toft charters can be divided into four main groups for the purpose of analysis: those charters which involve the new lords of Burn Toft; those which involve the family of William de Elmeden; those which detail transactions between Alexander de Burntoft, his son Simon, and William Todd of Hartlepool; and finally the large collection of other miscellaneous charters dealing with other individuals. The same method of tabulation can be used to combine the witness lists from these charters in order to determine whether they exhibit similar trends to the thirteenth-century lists.<sup>99</sup>

However, it is clear from the tables that, on many levels, they do not imitate the patterns of the thirteenth century, and that very different types of association are in place. The first immediate point is the lack of knighted gentry in these lists; only two knights are evident and the only knight who survives from the thirteenth century is William de Kilkenny, the Lord of Stotfold (the other knight is Sir Richard Harpin). The only heir of a thirteenth-century knight who appears in the lists is Sir Robert Hansard, but unlike his thirteenth-century ancestor he appears only once, and, in this instance, in one of the witness lists kept aside as distinctive from the rest because of the number and the range of men with whom it deals. Overall, there is a far less knightly flavour to the society of Burn Toft in the first half of the fourteenth century; it is almost as if it has been shorn away.

This can be reflected by a few examples of the type of list which is evident in this period. The differences between these and the thirteenth century are immediately apparent early on in the period; consider first a grant of 1307 of 8 acres and 1 rood of land from Simon de Burntoft to Alan de Boulton witnessed by William de Kilkenny, Robert Gernet, Stephen de Ellwick, Thomas Gernet and Ralph de Coumbe.<sup>100</sup> Both Kilkenny and the Gernet family can be identified as members of families gaining

<sup>99</sup> See Appendix 2.1.2., a. and c.

<sup>100</sup> DCM: MC 185, copied MC 6122

influence towards the end of Philip de Burntoft's period, whilst the other members of the list are not consistent with the thirteenth century.<sup>101</sup> Ralph de Coumbe must not be confused with Ralph de Cumba; it has already been established that Ralph's son and heir was Master William de Burntoft, whilst it is evident that Ralph de Coumbe's heir was called Henry, and that, after his death, his lands passed to William de Kilkenny from Ralph's remaining daughter, Alice.<sup>102</sup> This is more evidence of the growing Kilkenny ascendancy in Burn Toft.

A similar collection of men is reflected in other charters; a grant of 1308 from Simon de Burntoft to the same Master William, heir of Ralph de Cumba, witnessed by Lord Ralph de Burntoft, the perpetual vicar of Haltwhistle, Kilkenny and the two Gernet brothers; an exchange of lands in 1310 between Simon fitz Alexander of Burntoft and William Todd of Hartlepool witnessed by William, son of John, Lord of Burntoft, Kilkenny, Robert Gernet junior, Thomas Gernet, Walter de Allerton, Walter Nepote and William Raynato, a clerk from Hartlepool; a grant of 1311 from Walter fitz Stephen of Burntoft of three acres to Robert, son of John the Smith, witnessed by William, Lord of Burntoft, Robert fitz Robert Gernet, William fitz Hugo of Burntoft, Simon de Burntoft, Thomas Gernet, and Richard (and his son John) de Ster of Wolviston; another exchange between Simon fitz Alexander and William Todd in 1314, witnessed by Kilkenny, Robert Gernet, Richard Masun, Lord of Tunstall, William, Lord of Burntoft, his son John, and Andrew de Burntoft of Hartlepool; a quit-claim of the following year by Simon's father, Alexander, to William Todd, witnessed by William, Lord of Burntoft, with his son John, Robert Gernet junior, Walter de Burntoft and Walter de Allerton; a grant of lands within the Cissoris family in 1322, witnessed by John, Lord of Burntoft, Robert Gernet, Walter de Burntoft, Robert Ayr of Wolviston, John de Benlu, John Ster

<sup>101</sup> See above, p. 19 Robert Gernet figured in three thirteenth century witness lists, cf. Appendix 2.1.1., a. It seems likely that the two Gernets mentioned here were brothers, which is how I have referred to them in the rest of the text.

<sup>102</sup> DCM: MC 182

of Wolviston and Richard de Hoton; and finally, the quit-claim of 115 acres by Robert Gernet to Master William, heir of Ralph de Cumba, in 1332, witnessed by John, Lord of Burntoft, Leo de Claxton, Stephen Abell and Walter de Burntoft.<sup>103</sup>

As a typical collection from this period, these lists reflect a very different type of affinity in place. The leading figures are Kilkenny, the Gernets, the Lords of Burn Toft and Walter de Burntoft. Furthermore, as Table 3 demonstrates below, there is a notable absence of parity between the ten leading minor gentry and tenants of the fourteenth century and those of the late thirteenth century. It also reflects that these men are less consistent as witnesses than their thirteenth-century counterparts; this is partly due to the fact that the fourteenth-century witness lists are much shorter than those of the thirteenth century, and also due to the existence of a number of minor men who only act as witnesses once.

Table 3. A comparison of the leading non-knighted gentry and tenants in both periods.

Late thirteenth-century	A	B	Early fourteenth-century	A	B
Robert de Elmeden	23	5	Robert Gernet	10	4
Ralph Bard	23	4	Walter de Burntoft	6	5
John Shirlock	11	5	William, Lord of Burn Toft	6	3
Bertram de Wolviston	11	5	John, son of W., Lord of B.	6	3
Richard fitz Laurence	10	5	Leo de Claxton	3	3
Henry de Haye	12	3	Stephen de Elwick	3	3
Elias Bard	10	3	Thomas Gernet	5	2
Jordan de la More	10	2	Robert Gernet, the younger	3	2
Geoffrey de Eggescliffe	9	2	Ralph de Cumba	2	2
Geoffrey de Northampton	7	2	Richard de Ster of Wolviston	2	1

A - Represents the total number of times the individual is mentioned in the witness lists.

B - Represents the number of types of witness list in which the mentions take place.

<sup>103</sup> DCM: MCs. 185, 132, 161, 177, 169, 175, 170, 176



One of the most immediately striking points here is the greater number of men in the fourteenth-century list who can clearly be said to have been of gentry status; namely, both lords of Burn Toft and the head of the Claxton family, Leo. This demonstrates a more discernible interest in Burn Toft of the type of gentry who appear so absent in the thirteenth century: the middling and minor, non-knighted, gentry. The existence of single witnesses is also an increasing trend in the fourteenth century, although it should also be noted that fewer charters exist on which to base numbers in the fourteenth century, factors which may contribute to the reduction in the number of consistent witnesses. Nevertheless, it is still a definite trend in the fourteenth century to more commonly find shorter witness lists, with a reduced 'core' number of consistent witnesses. This may in itself reflect the effect which a change in lordship leaves upon a society and the men who previously figured within it. It may also be explained more specifically by who the new lord was and the fact that he came from an urban rather than a rural background; this would explain the inclusion of men like William Raynaton, a clerk of Hartlepool, and Andrew de Burntoft of Hartlepool, and more importantly the increasing influence of Kilkenny and other local lords, such as the Lord of Tunstall, in local society.

Nevertheless, two witness lists stand apart from the main body and deserve separate consideration. The first, and the simpler, is a grant from Walter and Alice of Amondstone (*Aymondestoun*) of the properties of Alice's father Ralph de Coumbe to the son of William de Kilkenny.<sup>104</sup> This was witnessed by Richard, son of Sir John fitz Marmaduke and Sir Robert Hansard, knights, Robert, Lord of Eppleton, Roger de Fulthorp, Alan de Langton, Richard del Parks, Bernard de Thornstanton and John, clerk of Durham. In technical terms, the list is similar to its contemporaries in terms of length and structure, although the men cited here are, in the case of fitz Marmaduke and

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<sup>104</sup> Also see above, p. 139-40

Hansard, much more prominent, and, in the case of the others, apparently unconnected to Burn Toft and its local society. The most plausible explanation is that this group of men reflects the connections of the Kilkenny family within the greater society of the palatinate; as such the list provides further evidence of the growing position and connections of this family at large.

The second example provides more scope for analysis. The charter in question is a grant of 1326 by Robert Gernet the younger of a living initially granted by his father at an unspecified date; the charter is dated at Durham City and witnessed by a substantial list of significant men including Sir Geoffrey de Scrope and Sir William de Kilkenny, knights, John de Coumbe, William de Coumbe, John de Hainby, sheriff of Durham, Adam de Bowes, Thomas Surtees, Henry de Langton, Roger de Fulthorp, William de Waleworth, John de Meinhill, Leo de Claxton, John, Lord of Burntoft, Walter de Burntoft and John de Eggescliffe.<sup>105</sup> The first most interesting observation which can be made is the inclusion of men such as Scrope, a Yorkshire knight, Fulthorp and Meinhill, both of whom came from Northumbrian families, and Bowes and Surtees, men whose interests were more identifiable with Durham society at large. These men actually reflect the administration of the bishop, which attracted men not only from the palatinate, but from its neighbouring counties. This is made more likely by the inclusion of the sheriff of Durham and the fact that the charter was dated, and presumably witnessed, at the city. Indeed, none of these men had interests within Burn Toft and it seems difficult to ascertain why they would act as witnesses unless the matter of this living had come to the court of the bishop for some reason.<sup>106</sup> Thus the list of knights and upper gentry were most likely composed from the administrators and councillors of the bishop.

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<sup>105</sup> DCM: MC 192

<sup>106</sup> There may have been some dispute regarding the living, worth 6 marks, from the younger Robert Gernet. His father may have been dead since as early as 1310 and the addressing of the matter sixteen years later may have been a way to make sure that the son made good on the promises made by the father.

Nevertheless, there is local interest in this grant: Leo de Claxton, John, Lord of Burntoft, Walter de Burntoft and John de Egglescliffe. What is interesting here, however, is their position at the end of this list; they follow the list of councillors in terms of importance. The significance of this is threefold: first, as an example of the 'three tier system' already noted in this chapter and earlier in this thesis<sup>107</sup>; second, how low down in the overall pecking list of Durham society the men and lord of the society of Burn Toft actually were; and finally they provide for a comparison between the local lord and his biggest rival, Kilkenny. Kilkenny appears to have become a highly prominent knight by 1326, whereas the fourteenth-century lords of Burn Toft were not knighted, nor do they appear capable of commanding the kind of local affinity which their thirteenth century predecessors had.

Indeed, was the family of the lords of Burn Toft anything more than moderately wealthy Hartlepool merchants who possessed an estate which was little more than a shadow of its thirteenth-century self? Probably not, but the significance of the fourteenth-century witness lists runs deeper than an analysis of the social position of this family; in many ways, it shows the connections between affinity and association. Certainly, the witness lists of the fourteenth century lack the stability of the associations of Philip de Burntoft's era. The association which surrounded Philip de Burntoft was dominated by an affinity of tenants which was closely linked to personal lordship; this formed the backbone of the association of men connected with him. The decline of Philip de Burntoft as Lord of Burntoft marked the fall of his affinity. In the changed conditions of a less 'local' lord, it was more difficult to reconstruct the same kind of association because the new lords lacked the personal links either of lordship or of familial relationship which Philip had possessed, hence the lack of consistency in the fourteenth-century witness lists and what appears to be a much smaller local association

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<sup>107</sup> See chapter 2, *passim*.

where the descendants of men who had been strong influences in the thirteenth century, such as Robert de Elmeden, were now absent. The lack of this personal nature of affinity is suggested by the growth, in the fourteenth century, of a type of men who were curiously absent in the thirteenth century: non-knighted, or middling, gentry families. These appear more frequently in the witness lists of the fourteenth century, including the lords of Claxton and Tunstall, not to mention the lords of Burn Toft themselves (whose very appearance itself in the business of others in the manor suggests a conscious effort to make themselves more visible). The rise of such men, whilst significant in itself for demonstrating that such men were not 'in decline' in the early fourteenth century, may be a direct result of the destruction of the old lord's affinity due to the removal of the lord himself.

This was, most certainly, a 'new world' for those involved in this local society, such as those who did not seek to maintain their influence in the locality. The evidence also reflects how families such as the heirs of Robert de Elmeden transferred their interests elsewhere, whilst other families such as the heirs of Ralph de Cumba sought links with the new lords to maintain their position. More significantly, the Gernets and the Kilkennys exploited the changed social conditions to exert, in the fourteenth century, the kind of influence on local society which these families had had in the time of Philip de Burntoft. What both this, and the new interest of other gentry families, certainly does not imply is any reduction in, or 'crisis' of, the gentry in either the thirteenth or fourteenth centuries. John of Hartlepool's diminished status as Lord of Burntoft probably had more to do with his urban origin and the specific, reduced, situation of the manor he appropriated, factors which make it inappropriate to consider him as an example of the decline of the gentry class. For further evidence in this locality, one needs look no further than a family such as the Kilkennys, whose position in the fourteenth century appears both stable and consolidated. Whilst the change of overall



lordship had ramifications for this society, there is no evidence which suggests that its origin was nothing more than specific to the family; also, whilst the change of lordship heralded a fall of affinity which made the thirteenth-century association less stable, it also made that society more fluid, and it certainly does not represent a society, in terms of gentry or sub-gentry, in crisis.

## VI

The evidence relating to the manor of Burn Toft has demonstrated a number of themes. Chief amongst these have been the changes noted in the pattern of lordship in this manor over a sixty year period and the implications which such changes had upon the local society. The overwhelming conclusion in the case of Philip de Burntoft is that his fate was an individual one; the men who formed the association around him were either stable in, or improving, their fortunes and role in the society of Burn Toft, and this association did not merely include the men of his close affinity, but lords drawn from outside both it and Burn Toft itself. However, despite the stability of his contemporaries, the eventual surrender by Philip of the lordship of the manor caused something of a revolution in the local society; although their material fortunes seemed more secure than their predecessor's, the new lords were most likely based in the nearby town of Hartlepool and were very different types of men to Philip. In these changed conditions, the old lord's affinity of tenants disappeared and old associations broke down; whilst many of those who had been influential in the thirteenth century maintained their material fortunes, new associations were formed. What is being witnessed here is simply a change in men borne out of a change of type of lordship, rather than something which suggests a 'crisis' of the gentry class in this area of the palatinate of Durham in the late thirteenth and early fourteenth centuries. As far as this

case relates to the issue of the decline of knights, the evidence supports the Carpenter-Faulkner viewpoint rather than the Coss thesis; the decline and fall of the local lord of Burn Toft may have led to a reorganisation of local society, but there is no evidence that it caused any crisis amongst those around him of his own status, or those of sub-gentry status.

Beyond this, however, the charters also say something of how society was organised. It is clearly evident that, just as in the case of administration, there was a pattern in the composition of lists. What is also clear is that there were some men within the associations noted in this study who possessed influence in all social areas and with a range of individuals in local society; there were others, however, whose interests were limited to either one area of social activity, or to the business pertaining to only one individual. This analysis has also shown that certain levels of the gentry class provided more durability at a local level than others; specifically, it seems that the most prominent of the minor gentry were the most flexible and influential members of local society, as opposed to both the sub-gentry or tenants, as one might expect, but also the knighted gentry, which is, on the face of it, more surprising. In the case of the latter this was, however, most probably due to the wider scope of business for this class, business which took them away from local society. Furthermore, it has also become evident that a man like Philip de Burntoft, a lord of a manor, was in an interesting position in Durham society; his interests were complex and reached both horizontally amongst members of his own class and vertically both to those men ranked above, the influential knights and administrators of the palatinate, and to those below him, the minor landholders and tenants who were the backbone of his lordship. Burn Toft itself also provides an interesting example of how the structure of associations appears to break down in the fourteenth century due to a change in lordship and the ties of both vertical affinity and horizontal friendships and relationships; hence, the clear 'watershed' in the

experience of this manor, rather than any external forces, such as the much-hyped social and economic effects of war, which appear to have no relevance here, is simply a change in lordship. This clearly has implications for the theme of cohesion central to this thesis, and can only be addressed by casting attention past one specific example toward the palatinate as a whole and looking at the wider evidence for patterns of landholding and social affinities within Durham society.

## 4. The Pattern of Landholding.

The picture of landholding in the palatinate of Durham in the late thirteenth and early fourteenth centuries is incomplete, and occasionally chaotic. Consequently, it is first necessary to say something of how the evidence for this part of this study has been compiled and organised. The best way to obtain an initial indication of the patterns of landholding, and the properties held by individuals and their families at any one given time, is through *inquisitions post mortem*.<sup>1</sup> These also allow one to trace changes in the ownership of land across the period. The main drawback for the *inquisitions post mortem* for the palatinate, however, is that they are non-existent for the period prior to Bishop Beaumont, and only commence with any real regularity from the start of the pontificate of his successor. Nevertheless, it is possible to 'backdate' the use of such inquisitions through the general assumption that men who died married and with heirs of a reasonable age had been active in Durham society in the twenty years or so prior to their death.<sup>2</sup> In practice, this means that those recorded as dying in the 1320s were likely to have been active either in maintaining, or increasing, or even alienating away their holdings in the 1300s and the 1310s, and furthermore that those who died in the period c.1345 to c.1360 were also active in the period of this study.<sup>3</sup> From these inquisitions it has been possible to trace the

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<sup>1</sup> The Durham IPMs present a problem in terms of foliation as there are at least two rival systems in operation, one in the catalogue published in Appendix I of *The Forty-Fifth Annual Report of the Deputy Keeper of the Public Records*, London, 1885, which was my initial source, and another, bolder and presumably newer foliation, which is usually two folio numbers ahead of the 1885 catalogue, located at the bottom of each page on the microfilm of the original, TNA DURH 3/2. The 1885 system also still appears in the top left corner of most folios. I am at a loss to explain the existence of the two systems, especially due to the fact that, if one counts the folios by hand, they correspond with the 1885 system, rather than the second foliation. Therefore, I have reproduced both foliations, citing the 1885 foliation first, followed by the second foliation in brackets; for example, the IPM of John Conyers, who died in May 1342 in the ninth year of Bishop Bury, will be cited – IPM John Conyers, 9 Bury, TNA DURH 3/2, fo. 23 (25)

<sup>2</sup> It is necessary to define 'active' in this context, by which it is meant that they were alive and holding property; it should not be taken as a reference to any activity they were undertaking in the administration of the palatinate, as activity in one area was not automatically mirrored in the other.

<sup>3</sup> The boundary can even be pushed as far as c.1370 in the case of those who died in the period up to 1370 with heirs of age, or older.



possessions of both those who comprise the gentry, and those who are simply tenants. However, where there is an absence of evidence for some notable families, although it is clear that their territorial integrity remained intact, this has been taken as a general indicator of the stability of their position within Durham society.

To promote some sense of order, it is possible to divide the families concerned into four general tiers based on the extent of their properties. The first consists of those families already defined as the barons and knights of the palatinate who contained upwards of three manors. The second comprises those families from amongst the non-knighted gentry who possess at least a single manor, and those who possessed rights over several moieties or portions of manors and other lands. The third comprises those who must be considered sub-gentry who held a number of lands, tenements and rents across the palatinate, but who fall short of holding major portions of lands. Finally, there is group of very minor individuals who held very small amounts of land, or who are listed as the tenants of other men. The last two groups can immediately be discarded for the purposes of this study due to their lowly status. Much more scope for discussion lies within the first two tiers, who are clearly of gentry status, and where there was more scope for traceable fluctuations in landholding. It must be re-iterated that the existence of these tiers is a consequence of my own rough organisation, rather than a contemporary social construction, and the distinction between them is often blurred. Nevertheless, this system does provides the best overall structure within which to, first, illustrate the cases of key families from the first tier, and, second, to attempt a comparative exercise to illustrate the overall fortunes of the Durham gentry in the first half of the fourteenth century.<sup>4</sup>

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<sup>4</sup> Before proceeding with the first exercise, a brief reminder must be made of the existence of franchises within the liberty as defined by *Quo Warranto* proceedings at Durham in 1293. Men mentioned included: John de Greystoke, who at Coniscliffe had the liberties of the gallows and *infangenetheof* and the right to the chattels of felons convicted in his court, as well as free warren of all his lands in the palatinate; Ranulph de Neville, who possessed rights of free chace and free warren at Brancepeth; and Robert de Hilton, Guichard de

A convenient starting-point can be made in the south of the palatinate with the Conyers family. The Conyers originated from the parish of Hurworth, located on the banks of the Tees, alongside a number of other notable families, including the Surtees, who possessed the manor of Dinsdale in the north of the parish, and the Tailboys, the lords of Hurworth. The primary Conyers manor was at Sockburn, a narrow peninsula almost entirely circled by the Tees except to the north where it met the boundary of Dinsdale; a further five miles north lay the manor of Bishopton, another Conyers property.<sup>5</sup> The Conyers were described as 'Barons' of the bishopric of Durham as early as the twelfth century; the popular legend ran that Sir John Conyers had been granted the ancient manor of Sockburn by William the Conqueror for slaying a 'monstrous and poysonian vermine' that had 'overthrew and devoured many people in fight'<sup>6</sup>, and as a result of this he, and three generations of his descendants, were made constables of Durham Castle. This legend was undoubtedly popularised and it may be the case that Conyers' reward was due in fact to displacing William Comyn from Durham Castle and providing shelter for the bishop of Durham at Bishopton; the 'monstrous vermin' was possibly a tongue in cheek reference to the Scot. Some truth in the story may be found in the ceremonial terms under which Sockburn was held, by which the lord of Sockburn traditionally met the bishop, whenever he entered the bishopric, on the Neasham ford in the middle of the River Tees to present him with the falchion with which his ancestor had slain the 'vermine'. That this service was not a

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Charron, John Marmeduke, Henry de Insula, Walter de Washington and John de Gildeford, who all had rights of free warren in their lands in the palatinate. DCM: Reg. I. ii, ff. 62-4; Cart. Vet. f. 116\*v; discussed Fraser, *Bek*, pp. 92-94, mentioned above, p. 26. Also, to avoid confusion, it must be noted that the top two tiers of families mentioned here comprise the group identified as the 'gentry' and split into three tiers in their consideration in chapter 1, p. 17

<sup>5</sup> Surtees, *Durham*, I, p. 11

<sup>6</sup> Bowes's MSS, p. 51 cited in Surtees, *Durham*, III, p. 243

forgotten relic of the past is demonstrated by the text of an inquest concerning Sir John Conyers in 1396, which found that he *tenuit manerium de Socburne per servicium demonstandum Episcopo unam fawchon, ita quod postea Dom. Episcopus illud viderit restituat ostendenti, pro omnibus aliis serviciis*.<sup>7</sup> It is implausible to suppose that this event took place with any regularity, but the terms of the grant of Sockburn were obviously important to the family's identity and sense of heritage.

In May 1342, Sir John Conyers died seised of the manors of Sockburn and Bishopton, held in chief of the bishop for one knight's fee and £50 per annum, in addition to the manor of Harperley for homage and service and 20s per annum, and the manor of Cloucroft, the latter held from Sir Alexander de Hilton for the duration of his life for 10 marks annually.<sup>8</sup> However, there is no evidence to confirm that the family still held the manors of Stainton and Auckland, which John Conyers, grandfather of our Sir John, was seised of in 1230. They definitely retained an interest in Auckland as late as January 1292 when Sir John's father, also Sir John, was described as holding lands at St. Helen Auckland and styled as *de Auckland sancta Helene*.<sup>9</sup> That these holdings were still fairly substantial is suggested by his inclusion on the witness lists of two grants dated at Bishop Auckland, the first a grant of an annual rent of £40 by Bishop Bek to John and Alice de Lithgraines in December 1295, the second an assignment by the bishop of land to support a chantry in the church of St. Andrew Auckland.<sup>10</sup> The witness list of the latter grant ranks Sir John alongside other notable men, including Robert de Hilton, Ralph de Neville, John Marmaduke, Guichard de Charron and Gilbert de Heworth, *militibus*. His inclusion here could be explained simply by his shared status with these men. However, the Conyers' inclusion on witness lists was in

<sup>7</sup> *ibid.* The Conyers' falchion now resides in the Treasury of Durham Cathedral.

<sup>8</sup> IPM John Conyers, 9 Bury, TNA DURH 3/2, fo. 23 (25)

<sup>9</sup> *RPD*, II, pp. 1187-8

<sup>10</sup> DCM: MC 7125b., Reg. I. ii. f. 38v.; Reg. II, ff. 298v.-299

general rare and the fact that these two examples were dated at Bishop Auckland suggests that Conyers was employed as a witness primarily because he was present in the area, presumably at a residence nearby. Although the absence of Auckland and Stainton could suggest a decline in material fortune in the mid fourteenth century, the fact that Sir John Conyers had only female issue by two marriages, and presumably no chance of a male heir, means that it is more likely that these manors were already settled on his brother Roger, to whom reversion of the rest of the Conyers manors in tail male was due.<sup>11</sup> Although the holdings of the Conyers remained largely consistent throughout the period, they appear relatively aloof from involvement in local society to judge by charter evidence.

A similar picture is afforded by another important baronial family, the Greystokes. Aside from holding an 'ancient' liberty comprising two manors at Coniscliffe<sup>12</sup>, the family held the manor of Neasham, one mile east of Hurworth, from the Tailboys, for 7s. 5d. per annum, and the manor of Brierton<sup>13</sup>, 5 miles west of Seaton Carew in the parish of Stranton, from the Cliffords for £10 per annum. High and Low Coniscliffe were the most substantial of these properties; held of the bishop for 1 knight's fee and an annual rent of 8s. 4d.<sup>14</sup> High Coniscliffe alone comprised over 480 acres of arable land, 20 acres of meadow and 200 acres of moor in the fifteenth century.<sup>15</sup> All the Greystoke properties appear to have been well established, however. The service of the holder of the knight's fee in Coniscliffe, a man called William, son of Ranulf, had been conceded by Richard I to Bishop Hugh le Puiset in 1195, along with that of William's son, also William, who held

<sup>11</sup> Surtees, *Durham*, III, p. 247

<sup>12</sup> DCM Cart. Vet. f. 116\*v. The alleged ancient progenitor of the Lords of Greystoke was one Ulphus of Lyulph. Surtees makes the point that one Styr, son of Ulphus, is said to have given lands in Coniscliffe to St. Cuthbert, which would supply a convenient reason for the existence of the liberty, although there is no direct evidence that these were the same men - cf. Surtees, *Durham*, III, p. 378 n. b

<sup>13</sup> Now Brierton

<sup>14</sup> IPM William Greystoke, 15 Hatfield, TNA DURH 3/2, fo. 80d. (82d.)

<sup>15</sup> IPM John Greystoke, 30 Langley, TNA DURH 3/2, fo. 280d, (282d.); Surtees, *Durham*, III, p. 378



lands at Neasham worth 60s.<sup>16</sup> Although it cannot be proven that these men were Greystoke ancestors, the connection of these territories makes it probable. Greystoke holdings passed smoothly through the generations until 1344, when William, Baron Greystoke, settled Brierton, as well as a portion of Coniscliffe and Neasham on himself and his heirs with remainder to his cousin, Robert Neville, whose father, Ralph, Lord Neville, had married William's mother, Alice.<sup>17</sup> In the eventuality, William died with a male heir, Ralph, in 1359 and only a third of each manor passed to his mother to hold, for life, as dower; these properties remained in the family until they passed to the Dacre family in the sixteenth century through Elizabeth, daughter and only heir of Robert son of Richard, Lord Greystoke.<sup>18</sup> Once again, tracing the descent of the manors is comparatively easy compared to ascertaining the activities of the family within these manors in the late thirteenth or early fourteenth century, although, as already indicated, the lack of evidence can be taken as a general indicator of stability. This may also be partly explained by the location of both the Conyers' and the Greystokes' properties in the far south of the palatinate, and the (relative) stability afforded by such a position in the face of the Scots.

There are other families in this upper tier which appear more actively to rise or fall in their fortunes. Two excellent, and inter-related examples of this can be seen in the Menvill and, to a lesser extent, the Claxton families, who represent two modest gentry Durham families who began a rapid territorial expansion in the first half of the fourteenth century, the latter eventually absorbing the former.<sup>19</sup> The Menvills were originally based in Milburn in the barony of Mitford in Northumberland and only acquired holdings in Durham under Robert de Menvill in the late thirteenth century. In 1272, he acquired the township of

<sup>16</sup> DCM 3.1.Reg.27

<sup>17</sup> *RPD*, IV, pp. 340-44

<sup>18</sup> IPM William Greystoke, 15 Hatfield, TNA DURH 3/2, fo. 80d. (82d.)

Ridley near Bywell for half a knight's fee held of the Nevilles; by 1278 he held at least £20 worth of land and took upon himself the rank of knight.<sup>20</sup> In addition to two daughters, Isabel and Matilda, Menvill had two sons, Adam and John.<sup>21</sup> The latter contented himself with the family's interests in South Milburn in Northumberland, whilst the former built upon his father's acquisitions in Durham. In addition to his father's interests at Whittonstall and Newlands, to which his brother quit-claimed any right in 1288, Adam had acquired lands at Fairhill, Hedley and Hindley by 1300, all of which were located in the barony of Bywell, in addition to further lands and tenements in Bywell in 1310 and in both Bywell and Stokesfield in 1318.<sup>22</sup> John, son of Adam, did even better than his father. As Barker has illustrated, John combined service to the bishop with service to the Neville family and a fortunate marriage alliance to transform the family's fortunes. In the early 1320s, he had married Agnes, daughter of the wealthy William de Silksworth; in addition to her dower lands in Silksworth, she possessed a life interest in the manor of Thornley in Winlaton, which lay 6 miles east of Whittonstall, also held of Ralph Neville, and various lands in Silksworth. The proximity of the Menvill and Silksworth holdings probably played a large role in bringing the marriage about, although the connection of a shared lord was likely as important in procuring a lucrative holding for Menvill and serves to demonstrate the complexity of social links between the gentry, as well the role of the more prominent gentry in fostering links between those in whom they had interests.<sup>23</sup>

<sup>19</sup> The story of the Claxtons, and through them much of the story of the Menvills, has been much more thoroughly told by Brian Barker, see above p. 33, and I do not intend to reproduce it in great length here. I am, however, greatly indebted to his work for helping clarify much of the evidence cited below.

<sup>20</sup> *Northumberland County History*, Vol. 6, p. 155; Barker, 'The Claxtons', p. 247

<sup>21</sup> Barker, 'The Claxtons', *ibid.*

<sup>22</sup> DCM MCs 5492-93, 6561, 6573, 6915, 6916, 6916\*, 6922, 6931, 6913b., *NCH*: Vol. 10, p. 85, n. 1 & Vol. 6, pp. 190-1; for discussion of these acquisitions, cf. Barker, 'Claxtons', pp. 247-49

<sup>23</sup> *NCH*, Vol. 6, p. 192; Surtees, *Durham*, II, p. 272; Barker, 'The Claxtons', p. 249 Barker also mentions the existence of another broker, Thomas, but his fortunes are less clear.

One of John de Menvill's most significant acquisitions was Horden, a manor which became the subject of notable wrangling and dispute in the first half of the fourteenth century. Until 1314, the Marmaduke family had held the manor of the bishop. In January 1313, Bishop Kellawe allowed Richard fitz Marmaduke, his steward, to surrender the manor to John de Kynadseye, a clerk of the earl of Lancaster, who conveyed the manor to his master; Marmaduke later received a life interest in the manor, with reversion to Lancaster, in exchange for rents and lands in Northamptonshire.<sup>24</sup> After Marmaduke's unpleasant demise on Framwellgate Bridge in 1318, his manors of Horden, Silksworth and Ulnaby all passed to Lancaster, who immediately granted the same to his noted favourite, Sir Robert Holland, who granted his master a life interest in them with reversion to himself and his heirs in August 1320.<sup>25</sup> Holland's remarkable rise to pre-eminence, and his subsequently desertion of his master in March 1322, has been told elsewhere and is well-known enough to avoid repetition here.<sup>26</sup> The reason for this complicated shift of property to and from Holland in the case of Horden may have been an attempt by Lancaster to make it more difficult for those with a possible claim to the Marmaduke inheritance, such as the Lumleys, to prosecute their cases successfully, and Maddicott has suggested that in this case it is more likely that Holland was little more than a nominal lord whilst Lancaster skimmed the profits from the manors.<sup>27</sup>

Nevertheless, there is evidence to suggest that the Hollands took their rights over these properties, especially Horden, more seriously than Maddicott allows. As he himself admits,

<sup>24</sup> DCM MC 6261; *RPD*, ii, pp. 1246-7 This was done without notifying Ida, the widow of John fitz Marmaduke, father of Richard, who was due a third of the manors of Horden, Silksworth, Ravenshelm and Lamesley, and who successfully petitioned in the bishop's court to receive a life interest in the same in 1313, DCM MC 6262.

<sup>25</sup> Surtees, *Durham*, I, p. 26; A.M. Oliver (ed.), *Northumberland and Durham Deeds, Newcastle-upon-Tyne*, 1927, p. 287; *CCR*, 1330-33, p. 582

<sup>26</sup> cf. J.R. Maddicott, 'Thomas of Lancaster & Sir Robert Holland: A study in noble patronage', *EHR*, 340, July 1971, pp. 449-71

<sup>27</sup> *ibid.*, pp. 453-55

Holland, who was himself attainted, was described as 'lately' holding in the manors when they were confiscated in 1322, and technically they would have reverted to him upon the execution of his former master, both of which suggest an active interest.<sup>28</sup> Furthermore, it is doubtful that the Hollands would have later recovered Horden had their possession been as nominal as Maddicott suggests.<sup>29</sup> Despite the objections of Henry of Lancaster, the Hollands were restored to their territories in 1328 and Robert's sons, Thomas and Robert, recovered their position under Edward III. Their lordship of Horden continued until 1340 when Sir Thomas Holland gave seisin of two thirds of the manor to Ralph, Lord Neville as a life interest.<sup>30</sup> Ralph immediately conveyed the lands to John and Agnes Menvill, who received the third part of the manor from Robert de Holland in 1342, on condition they could beat off a challenge to their ownership by Marmaduke de Lumley, who was attempting to establish himself as heir to the fitz Marmaduke estates, alongside others who had an interest in the lands, including Thomas de Thweng.<sup>31</sup> John and Agnes were successful in this endeavour and Lumley and Thweng quit-claimed John and Agnes of all actions against them in the bishop's court in 1343 and later, in 1365, also quit-claimed all their rights and lands in Horden to William de Menvill, son of John and Agnes.<sup>32</sup> The Hollands followed suit; Thomas confirmed Neville's grant to John and Agnes in November 1343 for a sum of money (not divulged) and a nominal rent of a single rose per year, and Robert followed, confirming his brother's grant and quitclaiming his own interest in the manor to William de Menvill, in 1353-54 in return for a single payment of £246 13s 4d.<sup>33</sup> By the mid 1360s, with the quitclaims of Hollands, Lumley and Thweng, the Menvills had

<sup>28</sup> *ibid.*, p. 454; *CPR*, 1321-24, pp. 137, 292, 398

<sup>29</sup> Maddicott, 'Thomas of Lancaster...', p. 455

<sup>30</sup> DCM MC 6263

<sup>31</sup> DCM MCs 6264, 6265. For discussion of Marmaduke de Lumley's claim cf. Barker, 'Claxtons', pp. 56-7, n. 122, n. 123

<sup>32</sup> DCM MCs 6267-6270

<sup>33</sup> DCM MCs 6266, 5768, 5774, 6272



secured their ownership of the manor, although William also took Isabel, a Lumley bride as his second wife, to be on the safe side. That this marriage was one of convenience is suggested by the lack of heirs from the union, and also the fact that she was considerably younger than him, becoming his wife only two years before his death and outliving him by no less than 27 years.<sup>34</sup>

In the case of Horden, the success of the Menvills was almost definitely due to the influence of the Nevilles, who were instrumental in providing them with their foothold. Nevertheless, John de Menvill was also quick to take his own initiative, as can be seen in his acquisition of the manor of Great Haswell; although this manor was held of Ralph Neville in the barony of Brancepeth, there is no evidence that Menvill required his active assistance in his acquisition. In 1332, Menvill acquired a third of the manor from Lucy, daughter of Robert de Haswell, which had been held of the Kellawes. This was subsequently quitclaimed to Menvill by the Kellawes in 1338, along with two messuages and a further thirty acres (two bovates).<sup>35</sup> John acquired a variety of lands in the manor between 1333 and 1339, and an unspecified amount of land from William, son of Alexander de Hartlepool, in 1344.<sup>36</sup> John and Agnes continued to acquire land gradually in Great Haswell until they had obtained the whole manor, except for 60 acres retained by their Neville overlord, which was duly conveyed to William de Menvill in 1361 for 20 marks per annum, due to the heirs of Ralph Neville.<sup>37</sup> In 1339, John and Agnes had also been granted the lands and tenements called Boisfield in Easington Moor by Robert, son of John du Bois of Haswell; this holding amounted to 100 acres, a moiety of the manor, held

<sup>34</sup> The contents of this paragraph are discussed in greater detail in Barker, pp. 56-8

<sup>35</sup> DCM Haswell Deeds 6-8, 19-20, DCM MC 5794

<sup>36</sup> For Menvill's acquisitions c. 1333-1339 cf. Barker, p. 54 & n. 100; for William of Hartlepool's grant, cf. DCM Haswell 57

<sup>37</sup> IPM Agnes Menvill, 16 Hatfield, TNA DURH 3/2, fos. 64d.-65 (66d.-7); IPM William de Menvill, 28 Hatfield, TNA DURH 3/2, fo. 88 (90)

for 30s. 4d. per annum.<sup>38</sup> In the 1350s, John and Agnes also acquired lands in the vill of Hawthorn, in addition to a moiety of the manor of Pespool held of the bishop in chief from the inheritance of Edmund de Denum, both of which were conveyed to William de Menvill, who had bought out most of the other Denum heiresses and their husbands by the time of his death in 1372, when he died seised of the whole manor of Pespool.<sup>39</sup>

A comparison of the fortunes of a family such as the Menvills with those of the Conyers or the Greystokes raises immediate questions, the most prominent of which being why was the former able to increase its position so dramatically? This has already been partly answered; the interest of the overlord, Ralph Neville, undoubtedly made their acquisition of Horden possible, and John and his son capitalised on their own skill to make ownership of manors such as Great Haswell and Pespool a reality. Nevertheless, there was also the influence of service to the bishop; it is clear that John de Menvill was acting as sheriff for Bishop Bury in August 1342, in which year he obtained Sir Robert Holland's confirmation of Neville's grant of the third part of Horden, and beat off the legal challenge from Lumley, as already discussed.<sup>40</sup> It seems naïve not to suggest that his position as sheriff, and the favour of Bury, worked in his favour in securing both these fortuitous occurrences. This also suggests that office-holding could have a positive affect on the extent of a man's territorial holdings in the palatinate, and helps explain why families who do not appear to be significant office-holders, such as the Conyers, saw little growth in the extent of their

<sup>38</sup> DCM Haswell Deeds, 66; IPM Agnes Menvill, cf. n. 37 above

<sup>39</sup> For the sake of brevity, and because it is technically beyond the chronological scope of this study, this has been greatly summarised. It should also be noted that John, Agnes and William increased their holdings in Winlaton and Whittonstall after 1350, cf. Barker, p. 58. For the acquisitions in Hawthorn, and their transferral to William, cf. MCs 5777, 5787 & 6176-81. The acquisition of Pespool is best served by Barker's narrative, pp. 58-9, & n. 140-5, cf. also IPMs of Agnes and William cited n. 42 above. Barker has also described in detail in the Menvill's acquisitions of part of the inheritance of the Northumbrian family of Vaux from 1358 onwards, cf. pp. 59-62; these included lands at Tudhoe and Gateshead, and various other lands in Durham, which were conveyed to William de Menvill and Roger Widdrington in January 1358, cf. also *Greenwell*, 209 [C1], p. 97

<sup>40</sup> Surtees, *Durham*, II, pp. 386-7. Also see above, p. 162-64

holdings. This, however, leads to a second question of why, or rather the observation that, Menvill fortunes were comparatively short-lived.

The story of the Claxtons has already been told elsewhere, and mostly took place in the period after this study, although some brief discussion is pertinent. Up to the death of Leo de Claxton in 1349, the interests of the family had remained largely centred on their manor of Claxton, which they had gradually consolidated up to this point, drawing an immediate comparison with families such as the Conyers; they had significant interests in only one other manor, that of Wadley by Harperley in Weardale. The circumstances of the extraordinary rise of the family under Leo's son, Sir William Claxton, bear some similarity to those of John de Menvill but writ large: Claxton married a sister of Ralph Neville, who was herself the widow of Robert of Kilkenny and possessed of a life interest in the manors of Stotfold and Stanley; he acted as an escheator and sheriff in the palatinate in the 1360s, during which time it was not coincidental that he acquired the manors of Hulam, Fishburn and Burn Toft; and in 1374 he married Isabella de Menvill, William de Menvill's daughter and sole heir, as well as the widow of William de Laton, holding the manors of Hetton and Witton Gilbert in her own right.<sup>41</sup>

It may be incorrect to read too much into the fall of Menvill fortunes because this was ultimately due to biological failure, rather than any financial mismanagement or political ineptitude. However, they were different in origin from those families noted in this tier of society; they were less substantial and their rise to prominence seems much more dependent on external factors. It suggests that a family whose rise to prominence was artificially accelerated, and partly based on office-holding, was liable to 'burn' itself out after a short period of intensive growth in comparison to older, more established, families whose wealth was more long term, and who largely appear to be minding their own

business; this latter type certainly appear to have had more stability and longevity. The Claxtons, however, fit into neither category, as although their rise does appear to have been greatly aided by valuable links with other substantial families and the collection of offices, the difference lay in their origins, which were more established than the Menvills', who did not even appear in Durham before 1272. This may serve to demonstrate some of the difficulties that a comparatively rootless family could face in establishing itself amongst the upper crust of Durham gentry society.<sup>42</sup>

## II

A contrast can be provided by paying attention to families which resided in a different area of the palatinate. Unlike most of the examples already considered, the chief holdings of the Farnacres family were located in the northern half of the palatinate. Their manor of Farnacres, which lay in the parish of Whickham, east of Gateshead and half a mile north east of Ravensworth Castle, had likely been held by the family since the early twelfth century.<sup>43</sup> By the mid fourteenth century they had acquired a substantial number of manors; in addition to the patrimony, John de Farnacres held the manors of Follingsby, Stockerly and lands in Whitworth by the time of his death in 1339.<sup>44</sup> Unlike Farnacres and Stockerly, which were held from the bishop in chief for military service and 22s. per annum respectively, Follingsby was an established possession of the prior and convent of Durham,

<sup>41</sup> Barker, 'Claxtons', pp. 19-22, 24; IPM William de Menvill, 28 Hatfield, TNA DURH 3/2, fo. 88 (90)

<sup>42</sup> However, this comment should not be read as a suggestion that members of the higher levels of Durham gentry society were hostile to the development and growth of other families, assuming obviously that it did not harm their specific interests; the role of Ralph Neville in the growth of Menvill fortunes is testament enough to this point. One thing consistent with all of these families is a shared interest in and connections with the Nevilles, demonstrating the web of the connections in this society.

<sup>43</sup> Surtees makes this assertion, Surtees, II, p. 243

<sup>44</sup> IPM John de Farnacres, TNA DURH 3/2, fo. 19d. (21d.)



which John held of them in chief for 10s. annually.<sup>45</sup> Although it is not known when the prior and convent granted the manor, it is clear that this was a family possession, rather than a grant to John for his life; two parts of the manor descended to his son Simon, the other part being held for life by his widow Isabella.<sup>46</sup> Stockerley is more difficult to trace, apart from the fact that it lay in the parish of Lanchester and although it was held of the bishop, rather than the Nevilles, the Farnacres probably had some dealings with the latter. Their lands in Whitworth were held of the local lords of Whitworth, which lay south of Brancepeth. John held these lands of Alexander, Lord of Whitworth and Woodham, and after Alexander's death in 1335, his son Thomas, although there is no indication that these holdings were particularly sizeable.<sup>47</sup>

John was succeeded by his eleven year old son Simon. John's approximate age cannot be accurately determined, but assuming that he was at least 21 and no older than 30 at the time of Simon's birth, he would have been aged between 30 and 40 years old when he died. Simon also died young in 1355, at the age of 28 with no heir of his body, heralding a crisis in the family line.<sup>48</sup> His brother Thomas was his next heir, but he was dead barely four years later at the meagre age of 25, and the Farnacres estates passed in the main part to the youngest brother, William, with a third of Follingsby remaining in the hands of his mother and a third of Farnacres in the hands of Alice, Simon's widow.<sup>49</sup> An *inquisition post-mortem* does not survive for William, but it appears that the family either died out with his death without heirs or that its material fortunes collapsed entirely, for by 1368 the manor of Farnacres had passed to Sir Robert Umfraville and Follingsby to the Thorntons of

<sup>45</sup> *ibid.* For the ancient tenure of the manor see DCM 3.1.Reg.1a., a confirmation by Henry II of these lands, originally awarded by a charter of William I.

<sup>46</sup> IPMs Simon de Farnacres, 11 Hatfield, TNA DURH 3/2, fo. 16d. (18d.), and Thomas de Farnacres, 15 Hatfield, TNA DURH 3/2, fo. 61d. (63d.)

<sup>47</sup> IPM Alexander de Whitworth, 2 Bury, TNA DURH 3/2, fo. 9 (11)

<sup>48</sup> IPM Simon de Farnacres, cf. n. 46

<sup>49</sup> IPM Thomas de Farnacres, cf. n. 46

Newcastle in the fifteenth century.<sup>50</sup> The biological failure of the Farnacres in the 1350s appears quite spectacular due to the existence of three male heirs, although such occurrences should not be too surprising to the historian of this period.

Another significant family within the northern sphere of Durham gentry were the Lumleys, whose heritage, and status as barons of the bishopric, also dated back to the eleventh century.<sup>51</sup> Their original patrimony consisted of the vill and manor of Lumley and Lumley Castle east of Chester-le-Street in Easington ward, although a division in the family line took place in the twelfth century. William, Baron Lumley, retained the castle and an area of land known as *Lumley Parva* whilst his younger brother Matthew retained the manor of Lumley, which became known as Great Lumley, or *Lumley Magna*.<sup>52</sup> The fortunes of the junior branch of the family were never a significant rival to their richer cousins, although they deserve attention.<sup>53</sup> In addition to Great Lumley, their only other significant holding by the end of the thirteenth century was an unspecified area of land in the adjacent manor of Woodstone, which by 1300 was vested in Matthew's great-grandson, Henry de Lumley; both Great Lumley and their lands in Woodstone were held direct of the bishop. Nevertheless, there is evidence to suggest that they maintained a respectable family fortune in their original manor. In the last quarter of the thirteenth century, Emmett, a son of Henry, granted 12 acres of meadow in Lumley to Vydani of Tynemouth, a grant that was important enough to be witnessed by Thomas de Herrington and Richard le Chancellor.<sup>54</sup> Emmett also played a role in maintaining Lumley interest in land grants by the other families living in

<sup>50</sup> DCM 4.3 Pont. 9; Surtees, II, p. 74

<sup>51</sup> Surtees, II, p. 156

<sup>52</sup> *ibid.*, pp. 162, 165

<sup>53</sup> Technically, the younger branch of the Lumley family do not belong in the 'upper tier' of gentry society which is being discussed here, however they continued to mix in the same social sphere because of their relationship to their cousins and the connections they cultivated because of their great name.

<sup>54</sup> DCM MC 5476. More difficult to explain, however, is the inclusion of Matthew de Lumley, senior, and Matthew de Lumley, junior, apparently the grandfather and father of Henry de Lumley; obviously it is inconceivable to suggest that these men, great-grandfather and grandfather as they would be to Emmett, were

Great Lumley to the monks of Finchale Priory.<sup>55</sup> Prior Richard and the priory of Finchale also exchanged a toft and croft called *Emeshale* in Great Lumley for eight strips of land called *Demeford Flatte* with Emmett's son Henry, an exchange witnessed by Sir Roger de Lumley, Sir William Laton and Sir John Farnacres, in addition to Matthew de Lumley<sup>56</sup>, a variety of other minor men of the locality, and Thomas de Kellawe.<sup>57</sup> This reflects some significant social connections, and a similar pattern is evident in a grant to Finchale Priory by another son of Henry de Lumley, who was likely Emmett's elder brother, also Henry, of an annual rent of 3s. from Lumley lands in Woodstone, witnessed by Guichard de Charron, Herrington and Laton, knights, Thomas de Kellawe and Matthew de Lumley.<sup>58</sup> This reflects an interest in the family of figures close to the centre of the administration, such as Charron and Herrington, and the men who would assume the territorial interests of this branch of the Lumley family, the Kellawes. This also demonstrates an affinity with other gentry operating in the same area, such as the Farnacres. Such connections seem to have dated back to the earlier thirteenth century; at some point between 1200 and 1260, Matthew de Lumley acted as a witness to a land transfer involving the Birtleys; later in the century he witnessed a quitclaim of land to Sir William de Laton alongside Herrington and Sir John de le Leye, as well as his kinsman from the elder branch, Sir Roger de Lumley; and c.1300, he witnessed a grant by the same William de Laton of 40 acres of waste land around Hetton to William Mody of Haswell.<sup>59</sup> From such evidence one can deduce a picture of the affinity that surrounded the minor branch of the Lumley family and how this position as a minor

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still living, and given the absence of the name Matthew in the elder branch, it is equally unlikely that they belonged to that line.

<sup>55</sup> DCM 3.2.Finc.4, in which Emmett was witness to a grant of 18 acres by the widow of Ralph *Aentchut* (?) to the monks. The witness list of this grant also includes the two Matthew de Lumleys noted above, n. 54, which serves to demonstrate that the occurrence of these men was not due to scribal error.

<sup>56</sup> Cf. fns. 51, 52

<sup>57</sup> DCM 3.2.Finc.9

<sup>58</sup> DCM 4.3.Finc.10, item 3

<sup>59</sup> *Greenwell*: 34 [D 8], pp. 16-17; 83 [A 25], p. 40; 90 [A 27], p. 90

gentry family was undoubtedly bolstered by their name and association with their more influential cousins.<sup>60</sup>

Henry de Lumley II was dead by 1311, probably without offspring but still with a male heir.<sup>61</sup> Nevertheless, the new bishop saw fit to exert his own lordship by transferring Lumley lands in Woodstone to his own kinsman William de Kellawe, who had married Henry's sister, Alice, and who had acquired the manor of Woodstone from William, Lord of Woodstone, in the previous year.<sup>62</sup> The Kellawes also appear to have established some interest in Great Lumley by 1356, when they granted the monks of Durham and Finchale rights of common pasture in their lands there and in Woodstone.<sup>63</sup> This was in spite of the existence of another brother, Waleran de Lumley. His interests, however, appear to have been focussed on Newcastle-upon-Tyne, where he was a bailiff between 1330 and 1333, and mayor in 1339. Still very much alive in 1355, he was engaged in property wrangles in the city as a burgess. However, the fact that he granted a rent of £10 to Thomas de Umfraville from lands in Great Lumley in the 1330s reflects that he maintained at least a token interest in the vill, which eventually passed through his daughter Agnes to the Latons in the later fourteenth century, concluding the story of this branch of the family.<sup>64</sup>

Despite losing the manor of Great Lumley to their cousins, the elder Lumleys fared much better. They retained their status as barons of the palatinate and by the mid fourteenth century they had increased their lands through a succession of marriages to three rich heiresses. The first Baron Lumley, William, led the way, acquiring the nearby manors of

<sup>60</sup> In territorial terms, the junior Lumley line cannot be included within the artificial construct of 'tier 1', as already noted, but they clearly associated with men within that tier as a result of their name and connections.

<sup>61</sup> Despite Surtees' assertion that Henry died without heirs, I have found reference to a fourteenth-century Robert de Lumley, son of Henry de Lumley. It is unlikely that he belongs to the elder branch of the Lumleys, who contain no Henrys whatsoever. The most probable conclusion is that Robert was a younger brother of Henry, and therefore son of the *elder* Henry de Lumley.

<sup>62</sup> Surtees, II, p. 162, 169. In the case of the latter grant, it is interesting to note the inclusion of John de Birtley, senior, in the witness list, demonstrating Birtley interest in the lands where Lumley interests lay, discussed in more detail below, pp. 182-85.



Cold Hesleden and Murton-in-the-Whin in the parish of Dalton-le-Dale through a marriage alliance with the heiress of the Hesledons concluded prior to the reign of Henry II.<sup>65</sup> His grandson, Sir William de Lumley III, sought to increase his fortunes by marrying a co-heiress of Sir Walter d'Audre, and acquiring the family's manor of Morton, in the parish of Houghton-le-Spring, in the mid to late thirteenth century. This was a shrewd move in the consolidation of family fortunes, not least because it lay directly south west between Lumley *Magna* and their Hesleden acquisitions, but also because William already had a foothold and previous dealings with the d'Audres here, having granted 4 bovates of land to Ralph d'Audre before the death of Sir Walter.<sup>66</sup> William's son, Sir Roger de Lumley, married Sibil, heiress of Hugh de Marewick, Baron of Chevington in Northumberland and it was his grandson, Sir Robert de Lumley II, who in the early fourteenth century married Lucy Thweng, the younger, co-heiress of Sir Marmaduke Thweng, Baron of Kilton.<sup>67</sup> It was their son, Marmaduke, who succeeded to this combined marital inheritance in 1335.<sup>68</sup>

This accounted for the main inheritance of this branch of the family. Some other properties in the south of the palatinate were either inherited from the patrimony or acquired through other means. These included minor interests, such as a joint interest in two thirds of the hamlet of Barmpton in the parish of Haughton-le-Skerne, consisting of 2 messuages and 4 bovates held of the Tailboys for £60 per annum, which the parties concerned had acquired from the Priory of Durham in 1312, as well as a messuage, 40 acres

<sup>63</sup> DCM 4.3.Finc.6

<sup>64</sup> Surtees, II, p. 162; *Greenwell*, 115 [D 115] pp. 72-3, 175 [B 39] p. 83

<sup>65</sup> Seager's MS Baronage, *passim*, cited by Surtees, I, ii., p. 8

<sup>66</sup> DCM 1.8.Spec.30 – this includes Walter as a witness. Other witnesses include Sir John de Lumley, seneschal of the bishop, who does not appear on Surtees' genealogy, as well as Marmaduke fitz Geoffrey, father of John fitz Marmaduke, suggesting a date of c.1250-c.1275 for this charter, and for the Lumley's inheritance of Morton.

<sup>67</sup> Not to be confused with her infamous Aunt Lucy, who married four times and led a colourfully infamous life, cf. M.C. Prestwich, 'An Everyday Story of Knightly Folk', *Thirteenth Century England*, IX (2003), pp. 151-62

and an annual rent of 42s. in the manor of Wheatley Hill, in the parish of Kelloe, located approximately ten miles south west of their possessions in Dalton-le-Dale.<sup>69</sup> They also held other more substantial properties such as the manors of Butterby, Morton and Field House, which were held of the bishop in chief. Field House lay near the Fulthorps' manor of Tunstall in the parish of Stranton, which the Lumleys held, and a salt pit and an annual rent of 25s. in Seaton Carew on the mouth of the Tees, in addition to the manor of Stranton, which lay just south of Hartlepool.<sup>70</sup> Stranton differed from the rest of their properties insofar as it was held of another family, the Cliffords, for one eighth of a knight's fee, as opposed to being held in chief of the bishop like other Lumley manors.<sup>71</sup> Stranton was acquired through marriage to Mary, sister and co-heiress of Richard fitz Marmaduke and was the only part of the Marmaduke inheritance that the elder Lumleys later succeeded in getting their hands on in the fourteenth century.<sup>72</sup>

The Lumley genealogy is frequently confusing and the Marmaduke connection is a case-in-point. Surtees' genealogy saw Mary married to an un-named Lumley cadet, whose son Robert founded the Lumley line of Ravensworth, although this is clearly incorrect as the *inquisition post mortem* of Sir Marmaduke de Lumley's son, Robert, d. 1381, lists Stranton among his, and thus the elder branch's, possessions.<sup>73</sup> This picture has been clarified by more recent work by Offler, and subsequent attention to the surviving Ravensworth Deeds, which demonstrated that Mary married Sir Robert Lumley I, probably around c.1290-1300, and had two sons, Robert and John. The eldest son succeeded to the Lumley patrimony whilst the younger son, in an agreement made in the court of Bishop Kellawe in 1314

<sup>68</sup> Surtees, II, p. 162; Offler, 'Murder...', p. 209, n. 63; Cokayne & Gibbs, *Complete Peerage*, VIII, pp. 267-9. As Offler admitted, "Lumley genealogy is treacherous ground on which to venture" and a number of problems are evident in determining the succession of the family in the early fourteenth century.

<sup>69</sup> IPM Robert de Lumley, 26 Hatfield, TNA DURH 3/2, fo. 106d., 107 (108d., 109)

<sup>70</sup> *Ibid.*

<sup>71</sup> *Ibid.*; Surtees, III, pp. 126, 130

<sup>72</sup> See n. 66 above & Surtees, III, pp. 121, 122.

before justices Lambert de Trikingham, Hugh de Louthur, Adam de Middleton, Thomas de Fishburn and William de Denum, was provided with the remainder of the manor of Ravensworth, in the north of the palatinate, in the event of the death of his uncle, Richard fitz Marmaduke, and his wife, Eleanor, without heirs.<sup>74</sup> John took an immediate interest in his future inheritance; alongside his elder brother, upon whom Stranton had been similarly settled, he witnessed quit-claims by Roger and Alice de Yeland of their interests in their father's lands in Ravensworth to Richard and Eleanor fitz Marmaduke in 1315.<sup>75</sup> This keen interest was due to the fact that Marmaduke had effectively given up hope of producing an heir, thus their inheritance was more a case of 'when' than 'if', and the brothers had only to wait four years for their uncle's death. Although the subsequent longevity of his uncle's widow must have been frustrating, John still consolidated his territorial position with notable alacrity; he and Eleanor secured the quit-claim of Sir John de Yeland's lands in Ravensworth and Hedley to themselves and John de Lumley's heirs in 1342, by which point he had also been knighted.<sup>76</sup> His son Marmaduke had secured his full right to Ravensworth by 1388 and by the early fifteenth century this up-and-coming branch of the Lumley family had successfully established their possession of Ravensworth and Lamesley from the Marmaduke inheritance, succeeding where their cousins of the elder branch had mixed fortunes.<sup>77</sup>

A less confusing picture exists of an equally eminent, and ancient, family in Durham society; the Hiltons. They operated within the northern sphere of influence in Durham

<sup>73</sup> Surtees, I, p. 24; IPM Robert de Lumley, as fn. 68

<sup>74</sup> Offler, 'Murder...', pp.200, 202; *Ravensworth Deeds*, no. 31 (i), printed in Offler, 'Murder', Appendix, pp. 203-4 & 'Calendar of Deeds Given to the Society by Lord Ravensworth', ed. H.E. Bell, AA, 4<sup>th</sup> Series, Vol. 16 (1939), hereafter cited as *Ravensworth Deeds*.

<sup>75</sup> *Ravensworth Deeds*, nos. 28, 29, p. 52. The documentary evidence of the settlement of Stranton does not survive, but the *inquisition post mortem* of Robert de Lumley in 1381 is proof enough.

<sup>76</sup> *Ravensworth Deeds*, no. 36, p. 55

<sup>77</sup> *Ravensworth Deeds*, nos. 42, 46, pp. 57, 58. As mentioned above, the elder Lumleys unsuccessfully tried to prosecute a claim to Horden, cf. p. 162-163

society, like the Lumleys, and were central to the affinity evident here.<sup>78</sup> Their patrimony was the manor of Hylton, where they had rights of free warren, lying on the banks of the river Wear in Bishop Wearmouth and across the river into Monk Wearmouth.<sup>79</sup> The cell of Monk Wearmouth, across the river from the centre of the modern-day city of Sunderland, was a daughter house of the other major landholders in the parish, the prior and monks of Durham, whose local presence was strong; in 1285, Prior Richard Claxton retired to Monk Wearmouth Priory to enjoy his old age, as did Prior Geoffrey de Burdon in 1322, with the tithes of Fullwell provided for his pension.<sup>80</sup> The Hiltons had numerous dealings with the priory of Durham because of the chapel of Hylton, where the family maintained a separate private chapel. In 1157, their earliest ancestor, Romanus, knight of Hylton, described as a baron of the bishop, was granted the right to bury his family members in the chapel of Hylton by the prior and convent of Durham in return for tithes and other offerings in the Hilton's private chapel.<sup>81</sup> In the late twelfth century, Alexander de Hilton secured additional celebrations for the family at St. Laurence's altar, in the church of Monk Wearmouth, in return for an annual rent of 3 marks from the mill of Hylton to the church.<sup>82</sup> In 1313, his grandson, Robert, entered into an indenture with Prior Burdon by which Robert exchanged the tithes of corn and hay from Hylton, *Rysom* and Newton-by-Hylton, in addition to a parcel of land within the vill of Hylton, and free passage throughout to collect and transport the tithes, in return for rights of burial in the chapel and cemetery of Hylton for him, his wife and all future members of the family.<sup>83</sup> Although there is some, albeit undated, evidence to support the claim by Surtees that the relationship between the Hiltons and the monks was defined by litigation, usually concerning the retention of tithes by the

<sup>78</sup> See below, p. 178

<sup>79</sup> DCM: Reg. I. ii, ff. 62-4; Cart. Vet. f. 116\*v

<sup>80</sup> Surtees, II, p. 7

<sup>81</sup> Surtees, II, pp. 7, 21

<sup>82</sup> DCM: Reg. I. i. ff. 59r-v, 126r; MCs 6223 (e) & (h)



chaplain of Hylton, there is also evidence to suggest that, in the early fourteenth century, the two parties co-operated in matters such as the presentation of chaplains, Prior Couton confirming Robert de Hilton's presentation of Thomas de Hilton as replacement of Geoffrey de Levesham in 1321, and that Robert de Hilton was eager to alienate further lands from his estates to augment the chapel before his death c.1330.<sup>84</sup> It is also safe to assume that the Hiltons would have dominated most significant secular land transactions within Monk Wearmouth. The other secular estate of note in the parish was Southwick, the transfer of which from the family of the same name to John de Hedworth was supervised by a group of local dignitaries headed by Sir Alexander de Hilton, and including John and Thomas Birtley and Gilbert Usworth, in 1330.<sup>85</sup>

At their peak, Hilton properties in the palatinate included not only Hylton, but the manors of Grindon, Ford, Clowcroft, North Biddick, Great Usworth, Barmston and Follingsby. Most of these manors were concentrated in a compact circle of territory stretching through the parishes of Monk and Bishop Wearmouth, Washington and Chester-le-Street. Grindon lay directly adjacent to the south-west of Hylton along the bank of the Wear, extending towards Washington to the west and towards West Herrington and Houghton-le-Spring in the south, and together with Ford and Clowcroft, it was held by the service of 1 knight's fee.<sup>86</sup> There is evidence to suggest that there was a close integration of the Hilton manors; when in January 1322 Robert de Hilton drew up an endowment for the chapel of Hylton, he initially awarded the chaplain, in addition to the ferry of Bovisferry, 24 acres of land in Hylton, 12 acres in Grindon, and rents in both manors, and later that month he also

<sup>83</sup> DCM: MC 6223 (g); Cart. II. nos. 82v, 83r

<sup>84</sup> Examples of litigation can be found in DCM MC 6223 (a) & (b), more legible copies of which exist in Reg. I. i. f. 39r-41r; two grants by Robert de Hilton in 1322 can be found in Reg. I. i. f. 40r-v – the latter discussed below p. 177

<sup>85</sup> Surtees, II, p. 13

conceded a messuage, a rent of 2 s. and freemen and cottagers in Hylton, in addition to 4 acres in Grindon, 4½ acres in Clowcroft and the right to mill at Hylton and Barmston.<sup>87</sup>

There is the sense from such grants that Robert de Hilton regarded his manors as an overall, collective, entity when deciding which lands to alienate in such matters.

This was most probably due to the close proximity of the Hilton manors. Their manor of Newton-by-Hylton was actually located within the manor of Hylton, whilst Clowcroft was most likely located in between Ford and Grindon, south of Hylton manor. Clowcroft itself was held from the bishop in chief, and was held of the Hiltons by *mesne* service by Robert Bowes, who also held demesne land in Hylton in which he was granted rights of free warren by Bishop Hatfield in 1347.<sup>88</sup> Barmston, the other manor mentioned in Robert de Hilton's grant to the chapel of Hylton, was located across the Wear in the parish of Washington. Less than a mile west of Barmston lay the manor of North Biddick, formerly held by John de Yeland, which, by the time of Bishop Hatfield's survey, William de Hilton held of the bishop for one sixth of a knight's fee and 53s. 4d. from the bishop.<sup>89</sup> North Biddick lay directly adjacent to the manor and vill of Washington, whilst the manor of Great Usworth, which William de Hilton held two thirds of by the time of Hatfield's survey, lay two miles north of Washington.<sup>90</sup> This portrays a picture of an integrated set of holdings in a concentrated territorial area, and this is mirrored by a picture of an integrated local society.

<sup>86</sup> Upon his death in April 1361, Alexander de Hilton was seised of Hylton, Newton-by-Hylton and Barmston for 1½ knights' fees and Ford, Grindon and Clowcroft for 1 knight's fee, rendering 100s. annually to the bishop. IPM Alexander de Hilton, 16 Hatfield, TNA DURH 3/2, fo. 65d. (67d.)

<sup>87</sup> DCM: MC 6223 (c) & 6224; Reg. I. i. f. 40r-v

<sup>88</sup> Surtees, I, ii, pp. 241-42; DCM 4.3.Pont.10

<sup>89</sup> *Hatfield's Survey*, SS, XXXII, p. 82

<sup>90</sup> *Hatfield's Survey*, p. 102 In the case of North Biddick and Great Usworth, it is not clear exactly when William de Hilton acquired these, although it can be said with some certainty that he did not inherit them from his father by consultation of the latter's IPM in 1361. Nevertheless, as William is listed as being of age at this date it is more than possible that he acquired these properties well before the compilation of the survey in c.1377-1380, *ibid*, p. vii

Some of the connections of the Lumleys have already been noted, such as local connections between the junior branch and important local families like the Farnacres, in addition to their connections with their more prestigious cousins and more important men in the administration of the palatinate like Thomas de Herrington and Guichard de Charron.<sup>91</sup> It is not surprising to find similar connections involving the elder branch of the family; in January 1268, for example, Sir Roger de Lumley acted as a witness with Sirs Marmaduke fitz Geoffrey and Thomas de Herrington to a quitclaim by Walter and Emma de Rothbury of one John de Morton, his issue, lands, tenements and rents, to Thomas de Kellawe for an unspecified amount of money.<sup>92</sup> The Hiltons also had significant connections; in c.1292-3, for example, a grant by Stephen and Alice Shureton to Julia, daughter of Thomas de Kellawe, of their lands in East Kelloe was witnessed by Ralph de Neville, John fitz Marmaduke, Robert de Hilton, Robert Haunsard, and Gilbert Heworth knights, in addition to Alan de Teesdale, Robert de Paxton and various members of the Kellawe family.<sup>93</sup> It is worth noting, however, that although Hilton connections can be seen to reach as high as Lumley ones, they reached to different types of people; the Hiltons' connections in this case were men significant mainly as landowners and *ad hoc* advisors to the bishop, whereas the Lumleys' were significant as recognisable, appointed, administrators. Nevertheless, the two families had similar connections within the society of the north-east of the palatinate, together with the Washingtons, another local knightly family who formed the core element of a shared affinity in the north-east of Durham in the early fourteenth century.

The beginnings of this affinity can be traced in the period c.1310-1325, when Sir William Basset granted to John de Denum the reversion of his lands around Offerton, which lay

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<sup>91</sup> See above, p. 27

<sup>92</sup> *Greenwell*, 44, [D 13], p. 22

across the Wear from Grindon and Barmston, to take place after the death of Peter de Hornby; this grant was witnessed by Sirs Robert de Hilton and Walter de Washington, in addition to John de Biddick, Roger de Eshe, Robert de Lambton, Robert son of Henry de Lumley Parva, William de Kinchley, and others.<sup>94</sup> At some point between c.1311-1334, Hilton and Washington were also the chief witnesses of a grant by John de Birtley, senior, to his younger son, John, of 5 messuages and 140 acres of land in Birtley, which lay just west of Washington in the parish of Chester-le-Street; also witnessing this grant was John de Biddick, as well as Gilbert Gategang and John de Insula, rector of Boldon Church, in addition to other local men.<sup>95</sup> Robert de Hilton's grants to the chapel of Hylton in 1322 were also witnessed by Washington, Insula, Biddick, Lambton, Gilbert de Usworth and John, son of Alexander de Hilton, presumably a younger brother.<sup>96</sup> In 1342, Sir Alexander de Hilton and Sir William de Washington, heirs of Robert and Walter, witnessed the quitclaim of John de Yeland to John de Lumley and Eleanor Marmaduke, of their lands in Ravensworth and Hedley, alongside Sir Roger de Esh, John de Birtley and Gilbert de Merley, alongside others.<sup>97</sup> Ten years later Hilton and Washington were witnesses alongside Sir Ralph de Neville, the lead witness, and Sir Marmaduke de Lumley, of a grant

<sup>93</sup> *Greenwell*, 70, [D 15], p. 35

<sup>94</sup> *Greenwell*, 202, [C 3], p. 94. *Greenwell* suggests a date *ante* 1356, but an earlier date seems likely because of the IPM of John de Denum, dated 10 Beaumont, TNA DURH 3/2 Reg. Vol. II., fo. 3d. (5d.). John de Denum, now styled as Lord of Offerton, later acted as a witness with Walter de Ludworth, Peter de Trilesden, Robert de Lambton, Robert son of Henry de Lumley and Thomas de Boys for a confirmation by Robert de Hilton of a grant by his grandfather, Robert, to Sir John de Alaynscheles, of a yearly rent of 40s., *Greenwell*, [A 14], p. 121

<sup>95</sup> *Greenwell*, 122 [B55], pp. 55-56. This probable date is suggested by *Greenwell*.

<sup>96</sup> DCM: Reg. I. I., f. 40r-v; MCs 6223 (c) & 6224, discussed above, p. 162. Robert's indenture of 1313, (Cart. II. 82v & 83r, discussed above p. 163), also included Walter de Washington as a witness, alongside Philip de la Ley, Thomas de Whitworth, Odard Heron and Richard Rothbury, knights.

<sup>97</sup> *Ravensworth Deeds*, no. 36, p. 55, noted above p. 161. The John de Birtley mentioned here is presumably John the younger to whom the grant of c.1310-1335 was made; the *inquisition post mortem* of his father was held 10 Bury 1343, *Surtees*, II, p. 189.



of the manor of Thornley to Thomas and Eleanor Harpin by Richard de Westminster, vicar of Kellawe, and William de Norton, vicar of Dalton.<sup>98</sup>

The family at the centre of this affinity is the Washingtons, the descendants of the Hertburns, lords of the vill and manor of Washington, which they had held of the bishop for £4 per annum since before the time of the Boldon Book.<sup>99</sup> In one respect, they have more in common with the kind of men operating with the Lumleys, as they can be noted as advisers and councillors of the bishop more than significant landowners, confined as they were to their single manor; however, they were among those families listed as holding their lands by franchise, with rights of free warren, which made them distinctive from other landholders.<sup>100</sup> Their close connections with the Hiltons were undoubtedly because they were virtually enclosed by Hilton property to the east, south and west. They were also similar due to their shared status as franchise holders within their demesne lands. The Walter de Washington who died c.1334-1341 must, however, have been the son of the Walter who was active as a witness for bishops Stichill and Insula in the late thirteenth century. In 1350, William de Washington settled his estate upon himself, his wife, Katharine, and their son, William, who succeeded to the family estate in 1367; however, he died in 1400 succeeded by only a daughter, Dionisia, who married Sir William Tempest of Studley.<sup>101</sup> Nevertheless, from the period c.1310 onwards, this family certainly provided the backbone of the Hilton affinity which dealt with a significant number of land transactions in north-east Durham, supported strongly by the Nevilles and the Lumleys, and intermittently by men like John de Biddick, Robert de Lambton and the Birtley family.

<sup>98</sup> *Greenwell*, 197 [K 15], p. 92

<sup>99</sup> *Surtees*, II, p. 40

<sup>100</sup> See chapter 2, above, pp. 48-60 *passim*; IPM William de Wessington, 22 Hatfield, TNA DURH 3/2, fo. 77 (79); DCM: Reg. I. ii, ff. 62-4; Cart. Vet. f. 116\*v.

<sup>101</sup> IPM William de Washington, as fn. 9 above; *Surtees*, II, p. 40

The latter deserve a more detailed treatment. Their ancestor was Thomas fitz William, one of the numerous descendants of Bishop Ranulf Flambard, who was granted the manors of Birtley and Tribley and half the manor of Picktree, in the parish of Chester-le-Street, by Bishop Hugh de Puiset. By the early fourteenth century, the family had acquired the whole of Picktree, as well as lands in Pelaw, one mile north of Chester-le-Street, held of the local lord.<sup>102</sup> It appears that a significant family division took place at this point, as evident by John de Birtley's grant to his son John of a considerable parcel of lands in Birtley.<sup>103</sup> John had another, presumably elder son, William, who inherited the manors Birtley and Tribley and the family's lands in Pelowe in 1343; these subsequently passed to his son Waleran in 1361, although the fortunes of the elder branch experienced a decline after this period.<sup>104</sup>

John de Birtley, junior, on the other hand, did remarkably well for himself. By the eve of his death he had acquired his brother's holding in Picktree; it seems most likely that he exchanged with William the lands their father had given him in Birtley for this manor.<sup>105</sup> Aside from Picktree, which was vested in his widow, Isabella, John passed to his son, Thomas, an impressive inheritance in 1369, comprising: the manor of Twizell, roughly 160 acres in extent, located between Chester-le-Street and Easington and held for 60s. per annum; an area of 80 acres of land called 'the Riding', held of the heirs of Gilbert de Merley for 1 pound of cumin, and described as a manor in the parish of Lanchester; another small manor at High Friarside, also 160 acres, in the parish of Chester-le-Street, held of the

<sup>102</sup> IPM William de Birtley, 17 Hatfield, Reg. Vol. II., fo. 68., *Reports*, p. 160. The lord of Pelaw in the mid fourteenth century was Richard de Pelawe, son of Henry de Pelawe, cf. Surtees, II, p. 187, n. d. At the time of the Boldon Book, Thomas fitz William de Birtley had held half the manor of Picktree for 2 marks rent, the other half and the manor of Pelaw being held by Waleran of Chester, cf. Surtees: I, 181; II, 186

<sup>103</sup> Above p. 179

<sup>104</sup> IPM William de Birtley, 17 Hatfield, TNA DURH 3/2, fo. 68 (70) Unfortunately for Waleran, his son William pre-deceased him in 1366, leaving two daughters. The eldest, Eleanor, married John de Seton, son of Lawrence de Kellawe and the younger, Elizabeth, married Gilbert Eglyn; the manor of Birtley was divided between them. Eleanor and John eventually sold their half to Ralph Lord Neville whilst John, the son of Elizabeth and Gilbert, assumed the Birtley family name and continued to hold his half up until his death in 1427 – IPM William de Birtley, 21 Langley, TNA DURH 3/2, fo 75 (77), cf. also Surtees, II, p. 189

lord of Yeland for 20s 1d. per annum;<sup>106</sup> 2 tenements and 160 acres in Morehouses and 2 messuages and 140 acres in Lumley held of John Darcy for a pound of cumin each; 80 acres in Bushblades held of William Faire; and numerous other lands, including a messuage at Pipewellgate, outside Gateshead, held of John Gategang, and messuages in Cocken and Framwellgate.<sup>107</sup> This combined inheritance totalled at least 800 acres. The fifteen-year-old Thomas undoubtedly had his grandfather to thank for his inheritance in Twizell; in June 1305, Bishop Bek had granted to the elder John de Birtley 59 acres of waste in Twizell, a grant initially witnessed by Guichard de Charron, Peter de Thoresby, William de Herrington and William de Kilkenny amongst others and confirmed by the prior and convent of Durham in 1308.<sup>108</sup> That the family had capitalised on this grant to develop a viable and lasting, if small, manor says something of the success that enterprising gentry families could earn in spite of the social and economic uncertainties of war and plague. Other properties were doubtless recent additions, such as the 'manor' of 'the Ridding' in the parish of Lanchester, which went through several hands in the early half of the fourteenth century; Bishop Kellawe initially granted the land 'called le Ridding' and an area of waste, the limits of which are unspecified, called Walterstrother, to a family member, clerk William Kellawe, in April 1312.<sup>109</sup> This was still in William's hands in February 1330 when the prior of Durham confirmed Bishop Kellawe's grant, although it had passed to Roger Birden by 1338, when it was conveyed to William Bates, after which point it must

<sup>105</sup> This would explain the absence of the Birtley lands in John's IPM and the apparent integrity of the manor in William's IPM.

<sup>106</sup> IPM John de Birtley, 25 Hatfield, TNA DURH 3/2, fo. 82d-83 (84d.-85); Surtees, II, p. 233. He may well have been the John de Yeland whose interests in North Biddick had been acquired by William de Hilton c.1360, and who also had interests in Stanhope in the far west of the palatinate, *Hatfield's Survey*, p. 73. There was also a John de Yeland who held half the manor of Seaham, in the parish of the same name, just north of Dalden, Surtees, II, pp. 269-275. Assuming they are the same man, he is never styled 'lord' of Yeland although it is possible that this was an error on the part of the IPM.

<sup>107</sup> IPM John de Birtley, 25 Hatfield, TNA DURH 3/2, fo. 82d-83 (84d.-85)

<sup>108</sup> DCM MC 6396, Reg. I., ii., ff. 31r-v

<sup>109</sup> DCM Reg. I., ii., ff. 26

have passed to the family of Gilbert de Merley, who conveyed it to the Birtleys.<sup>110</sup> Their lands in Lumley and Morehouses, held for only a pound of cumin each, were obviously also purchases from John Darcy.

Although the Birtleys' consolidation of their position in Durham society through their junior branch demonstrates some stability, they were still not immune from threat. By the time of Hatfield's survey, Isabella de Birtley held the manor of Picktree jointly with the Kellawes of Lumley, who had acquired the whole manor by the early fifteenth century.<sup>111</sup> This was likely the consequence of the exploitation of a widow and an under-age heir by an acquisitive family. Nevertheless, their fluctuating fortunes, like those of the Menvills, were sufficient to associate them with some of the higher members of Durham society, such as the Hiltons, Lumleys and Washingtons, with whom both John de Birtleys had mixed, the elder witnessing charters alongside Washington as early as October 1313 and Sir Richard Marmaduke in July 1315.<sup>112</sup> The reason for such success, in contrast to the Menvills and their combination of office-holding and new social connections, may have been their ancient lineage; John de Birtley's stint as sheriff of Durham was, as has been seen, not particularly distinguished.<sup>113</sup> A similar reason may account for the inclusion of a man like Robert de Lambton in such lists, whose family had held Lambton in Chester-le-Street since 1066, and who even had the slaying of an equally famous deadly 'worm' of the Conyers variety in his family history; such heritage likely guaranteed the lords of Lambton a place in the 'floating' group of prominent local gentry that associated themselves with the major gentry of the locality. One final point which should be obvious, but which needs to be made, is that the Hilton-Lumley (and to some extent Neville)-led affinity that existed in this

<sup>110</sup> DCM MCs 4288, 309, 316

<sup>111</sup> *Hatfield's Survey*, p. 82

<sup>112</sup> Greenwell: 124 [D 38], pp. 56/57; 129 [D 39], p. 60.

<sup>113</sup> See above, chapter 2, pp. 59-61



area of the palatinate is in stark contrast to the south east of the palatinate, the relative strong-hold of the Conyers, Greystokes and, eventually, the Claxtons.<sup>114</sup> This reflects that although it is possible to say that the composition of the gentry in terms of office-holding had an element of fluidity, it is also possible to note the identification of small groups of even major gentry with their own spheres of influence within the palatinate where landholding, and the creation of affinity through land transactions, are our criteria.

### III

Much of what has already been described has concentrated on horizontal links between a variety of very similar types of men. It would, of course, be remiss not to say something about the major local lords of the period and to make some attempt to trace the vertical links which existed. As has already been seen, the Nevilles, of course, figured in both types of relationship; in horizontal terms Ralph Neville was the leading figure in the Hilton-Washington affinity, and in vertical terms, Neville lordship of the Menvills was likely the most potent factor in the family's dramatic rise in fortunes. The interests of the Nevilles can be witnessed not only in the administration of the bishop, but in both the affinities which have already been noted; their general dominance of lay society within the palatinate can be largely ascribed to the lack of any real credible rival in Durham society in this period, especially with the extinction of the Marmaduke line after events on Framwellgate Bridge in December 1318.

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<sup>114</sup> Although there is an example where the Conyers and the Hiltons are linked as witnesses, this is only one isolated example and can be seen more as an occasion where the bishop had favoured a wide range of gentry witnesses, and in which the inclusion of Conyers was probably as much accidental as desired, see above, pp. 158-59.

Despite the immediate catalyst of a brutal murder, the Nevilles did have, like many of the men already discussed, an ancient and distinguished lineage to draw on, and their origins, as well as the reasons for their social ascent, bear many similar characteristics to these men. However, the origins of the family are complicated by the fact that what was understood as the 'Neville family' by the thirteenth century, was actually an amalgamation of the fortunes of two families. In the male line, the family were descended from an Anglo-Danish Northumbrian thegn, Dolfin, son of Uhtred, who was granted the manor of Staindrop in the 1130s by the prior and convent of Durham, although it is likely that he already held some land there.<sup>115</sup> In the late twelfth century, Dolfin's son, Meldred, was either granted, or confirmed in his possession of, the vill of Winlaton, Sunderland, Winston and Newsham by Bishop Hugh le Puiset, by which point the family, based at Raby, were already amongst the wealthiest barons in the palatinate, and were prominent charter-witnesses for Bishop Puiset, and his predecessors Ranulph Flambard and Geoffrey Rufus.<sup>116</sup> It was the marriage of Meldred's son, Robert, which transformed the fortunes of the lords of Raby. His wife, Isabel, was the daughter of Geoffrey de Neville of Burreth in Lincolnshire, whose cousins, themselves important royal officers of the Crown in the late twelfth century, had established Neville family lines in Lincolnshire and Essex.<sup>117</sup> Geoffrey had married the heiress of the Bulmer family, holder of the five knights' fees which comprised the barony of Brancepeth in the south of the palatinate, as well as other lands around Raskell and Sheriff Hutton in North Yorkshire; these all passed to Robert fitz Meldred to hold in right of his wife after the death of Geoffrey's son and heir, Henry, without heirs, in 1227.<sup>118</sup>

<sup>115</sup> FPD, p. 145, DCM 2.1.Reg.12; and see discussion in Offler, 'Fitz Meldred, Neville and Hansard', *North of the Tees*, Aldershot, 1996, XIII, pp. 2-3

<sup>116</sup> Offler, 'Fitz Meldred, Neville and Hansard', pp. 3-4 and p. 4 n. 10, n. 14

<sup>117</sup> C.R. Young, *The Making of the Neville Family in England, 1166-1400*, Woodbridge, 1996, pp. x-xi, chapter II, *passim*, pp. 18-42

<sup>118</sup> Offler, 'Fitz Meldred, Neville and Hansard', p. 12 Fitz Meldred was required to pay a hefty fine of 200 marks for entry into the inheritance. *Complete Peerage*, IX, p. 494, n. b

Their son, Geoffrey, assumed his mother's name of Neville, and a huge family estate was born in the south of the palatinate. Thus it is evident that the early generations of this combined family employed the age-old key to success, a combination of patronage by local lords and lucrative marriages, to bolster their position.

One other element was crucial, and this was biological certainty. Here the genetics of Geoffrey's father probably figured where the ominous death of his Neville uncle threatened to overshadow; throughout the subsequent centuries, the Durham Nevilles, and their various off-shoots, would never be threatened by lack of a male heir, unlike the Lincolnshire and Essex branches, who had exhausted their heirs by the mid fourteenth century. Robert Fitz Meldred outlived his son and was probably in his eighties when he died in the mid thirteenth-century; he was still active as a commissioner of pleas in Durham in 1235-6 and 1238, and headed the list of justices in the general eyre of the bishopric in 1242.<sup>119</sup> It was Fitz Meldred's grandson, Robert, who was the first Neville by name to enjoy the full extent of the Meldred-Neville-Bulmer inheritance in Durham, Yorkshire and Lincolnshire. His career combined local and national interests, acting as sheriff of Northumberland in 1258 and justice of the forest beyond Trent in 1262, as well as being engaged in Scotland on the king's business with William Latimer in 1258, and sheriff, as well as captain for the defence of, Yorkshire, in June 1263, figuring as an important royalist in the Barons' War.<sup>120</sup> He too, outlived his son, also Robert, whose significance before his death in 1271 lies in his marriage to May, daughter and co-heiress of Ralph Fitz Randolph, through whom the family acquired the sites of the castles of Middleham and Snape, from

<sup>119</sup> There is a discrepancy concerning Robert's death; the *Complete Peerage* claims that this must have occurred before 1248, when Isabel Neville re-married Gilbert de Brakenburg, *Complete Peerage*, IX, p. 494, n.e. Offler, however, noted two documents from 1252 which record Robert as a witness, DCM 4.14.Spec.21 and *Ravensworth Deeds*, n. 16, p. 49, but, in either case, Robert was dead by 1254 when he son did fealty for his lands and paid a relief of £15 16s. 3d. to Henry III – *CCR* 1253-4, pp. 55-6. For Robert fitz Meldred as commissioner of pleas and justice of eyre, see *Complete Peerage*, IX, p. 494, n. c and Offler, 'Fitz Meldred, Neville and Hansard', p. 15.

which they would later exercise their influence in Yorkshire in the fourteenth century. After the death of his grandfather in 1282, and his mother in 1320, all these lands became vested in Ranulph de Neville, who was henceforth Lord Neville of Raby after a parliamentary summons in 1295.<sup>121</sup>

Ranulph, Lord Neville, had a distinguished career of military service to Edward I in Scotland and Gascony in the 1290s, and, following the practice of his predecessors, married an heiress, Eupheme de Clavering, through whom he acquired Clavering lands in Northumberland.<sup>122</sup> His dealings with the authorities within Durham, however, were characterised by friction almost as soon as his grandfather had died. After receiving seisin of his lands in 1284, one of the services which Ranulph was due to perform was to present a deer and £4 annually to the prior and convent of Durham on the feast day of St. Cuthbert for his lordship of Raby. Ranulph contended that the monks should, in return, provide hospitality for him and his men after the ceremony; when the prior refused, Ranulph had the deer unceremoniously dumped on Cuthbert's shrine, and presumably sent his men to demand food from the prior's kitchen, where a fight soon broke out between them and the monks, quickly spreading to the Cathedral, where the rest of the monks were celebrating mass.<sup>123</sup> Although the monks continued to claim a deer as part of the rent, Neville never presented them with another, and it was left to his son to come to a compromise in the 1330s.<sup>124</sup>

Ranulph later became embroiled in the disputes between the commonalty and Bishop Bek in the early fourteenth century: he was one of the petitioners to the Ormesby assizes in

<sup>120</sup> *Complete Peerage*, IX, p. 495, n. i, n. j, n. k, n. m

<sup>121</sup> *Ibid.*, pp. 496-7; Young, *The Making of the Neville Family*, p. 55 For more detail on Robert de Neville's career under Henry III, and the general family divisions which beset the Nevilles in the Barons' War, see *ibid.*, chapter V, pp. 82-93

<sup>122</sup> *Complete Peerage*, IX, pp. 496-7

<sup>123</sup> In the ensuing fight, the monks apparently fought tooth and nail to make sure they retained the deer.

<sup>124</sup> Young, *The Making of the Neville Family*, pp. 55-57



August 1302; subsequently identified by Edward I as one of the leaders of the community, alongside John fitz Marmaduke, Thomas de Whitworth, Alan de Teesdale and John de Haverington, in a letter from the king in November 1302 urging them to come to terms with Bek; and, with the same men, instrumental in procuring a settlement between bishop and secular society in July 1303.<sup>125</sup> The later rivalry between Ralph de Neville and Richard fitz Marmaduke is ironic considering how closely both men's fathers had been associated ten years previously. It seems unlikely that the rivalry between the two families was particularly serious prior to Bek's death, and in the refreshing climate of his successor there was, as will be demonstrated later, a new sense of unity between Durham gentry and the bishop, as reflected in the interest of the former group in supporting the new bishop in the matter of redressing the grievances which the monks of Durham had suffered under Bek, and in which both Neville and Marmaduke's son, Richard fitz Marmaduke, figured.<sup>126</sup>

Ranulph's position under the new bishop seems to have been largely secure. Not only was he a leading figure amongst the gentry involved in Kellawe's *détente* with the monks of Durham in 1311, but the following year he witnessed grants of waste land by the new bishop to John de Insula and William and Matilda Brakenbiry: in the former, he led the list of witnesses from the knighted gentry, which included fitz Marmaduke, in addition to Walter de Washington and Thomas de Whitworth; he was also lead witness in the latter, alongside his own son, followed by Washington and Whitworth.<sup>127</sup> His ranking ahead of Richard fitz Marmaduke, and the inclusion of his son as second witness in the latter charter, indicate that Neville interests were certainly not harmed by the change of bishop. However, any position which Ranulph could have had under Kellawe was squandered when he

<sup>125</sup> Fraser, *Bek*, p. 183; DCM 2.3.Reg.5; CPR, 1301-07, pp. 71, 106-107; RPD, Vol. III, pp. 61-7 and CCR, 1302-7, pp. 100-3

<sup>126</sup> See below, chapter 5, p. 217-18

<sup>127</sup> RPD, II, pp. 1172-73, 1201-02

scandalised the family in spectacular fashion with his excommunication for incest with his daughter Anastasia, the wife of Lord Fauconberg, in August 1313.<sup>128</sup> Although he was later absolved of the excommunication in favour of a public penance in Staindrop church, this event was certainly serious enough to largely eclipse his career and act as the catalyst for the early rise to prominence of his son, Sir Robert de Neville, as the main representative of the family's interests.<sup>129</sup>

It has already been noted how the wars with Scotland created the need for payment of protection money by the society of Durham. Scammell and McNamee have already outlined the technical matter of the organisation of truces and their payments, however, an important study has recently been made of the community of the bishopric of Durham and their role in such payments by Matthew Holford, who has written that 'the truces may represent the most sustained body of collective action on the part of the local community in the entire medieval period.'<sup>130</sup> Collectively, these works have demonstrated that the key figures in the lay subsidies were William Denum and, especially, Richard fitz Marmaduke, who was *custos* of the bishopric from at least 1314, up until his death in 1318.<sup>131</sup>

The origins of the Marmaduke family dated, unsurprisingly, back to a nephew of Bishop Flambard, who had been granted the manors of Ravensworth, Eighton and Lamesley in the Team Valley in the north west of the palatinate in 1127. In the twelfth and thirteenth-centuries, the family also acquired the manors of Humbledon, Silksworth and Horden, in which Geoffrey fitz Geoffrey made the family's principal seat. Their position and wealth ranked them easily alongside the Nevilles, although both Geoffrey fitz Geoffrey, and his

<sup>128</sup> *RPD*, I, pp. 411-12, 429, 437-38, 461, 484

<sup>129</sup> *RPD*, I, pp. 450-51; Offler, 'Murder on Framwellgate Bridge', *North of the Tees*, Aldershot, 1996, XIV, p. 194.

<sup>130</sup> J. Scammell, 'Robert I and the North of England', *EHR*, Vol. 73 (1958), pp. 385-403; C.J. McNamee, *Wars of the Bruces*, East Linton, 1997, pp. 129-40; M.L. Holford, 'The Community of Durham and the Purchase of Peace', unpublished research paper, University of Durham, 2004, p. 1

son, Marmaduke fitz Geoffrey, were principally concerned with forging careers within the palatinate and, unlike their later thirteenth-century counterpart Robert de Neville, were largely aloof from royal service. They consolidated a position as the leading gentry family in the north of the palatinate, supported by what Offler has called 'a satellite group of smaller knights and gentry' in the local area, including the Farnacres and the Lumleys.<sup>132</sup> Their close association with the latter, in terms of marriage alliance and eventual Lumley inheritance of Marmaduke property, has already been considered.<sup>133</sup> It may be more significant within this context to note that it was in the 1310s that the Hiltons and the Washingtons began to assume greater significance in the society of the north of the palatinate, and their eventual dominance of that society by the end of our period was at the very least an indirect consequence of Marmaduke's demise, although this shall be considered in greater detail later.<sup>134</sup>

Nevertheless, although the Marmadukes were comparable with the Nevilles in terms of their wealth and position, there is nothing prior to c.1280 to suggest any rivalry between the two families. Certainly, from 1281, the Marmadukes were represented by a much more forceful personality as the head of their house, John fitz Marmaduke, whose position in northern society was largely defined by his role as soldier, and being the first Marmaduke to be 'alive to the wider opportunities on a national scale which the warlike policies of Edward I were opening up.'<sup>135</sup> He was present in numerous campaigns: against the Welsh in 1294; the Scots in 1297; part of Bek's retinue at Falkirk in 1298; present at the siege of Caerlaverock in 1300; and keeper of Perth in 1310, where he died in the following

<sup>131</sup> *RPD*, II, p. 686; *Greenwell Deeds*, n. 129, p. 60; *DCM Reg.* II., fo. 91r-v. Holford has also illustrated that he continued to hold the position into 1318, 'The Community of Durham and the Purchase of Peace', p. 6

<sup>132</sup> Offler, 'Murder on Framwellgate Bridge', pp. 194-95

<sup>133</sup> See above, pp. 162-54

<sup>134</sup> See below, p. 195

<sup>135</sup> Offler, 'Murder on Framwellgate Bridge', p. 196

winter.<sup>136</sup> John was also significant for a number of illustrious marriages, none more so than his first to Isabella Bruce, daughter of Robert Bruce, contender of the Scottish Crown and grandfather of the Robert Bruce, John's cousin, who became Scottish king in 1306; John had a son by Isabella, Richard, and a daughter, Mary, who married Robert Lumley.<sup>137</sup> In 1285, he married his second wife, the Lady Ida, widow of Sir Robert de Neville, who had died three years previously; although they had no children, it was most likely through her that Marmaduke acquired the manors of Ulnaby and Carlbury, to add to the manor of Stranton in Hartness which he had acquired from his first wife.<sup>138</sup> John fitz Marmaduke definitely broke the mould of his predecessors; not only was he keen to increase the family fortunes, but he was prepared to promote the family interests much wider than his father's. His service to the king, not to mention his acquisition of greater landed wealth within the palatinate, must have brought the family more keenly to the attention of Ranulph de Neville, who could scarcely ignore him after his marriage to his step-mother. Thus, although relations between the two families were characterised by co-operation in the 1290s and early 1300s, it is still possible to argue that both were keenly aware of the fact that they were *de facto* rivals within Durham society. Furthermore, within the veneer of co-operation, it is certainly plausible that Ranulph may have resented having to share the limelight with Marmaduke in 1303, especially in the light of the promotion of the latter by the king in the events taking place within Durham.

Young has illustrated that the Nevilles had played a significant role in keeping the peace and protecting the north of England as early as 1275 when Sir Robert de Neville was collecting a fifteenth in Northumberland and Westmorland for this purpose; his brother, Geoffrey, was chief justice of the forest beyond Trent from 1270 until his death in 1285,

<sup>136</sup> *Ibid.*, pp. 196-97, n. 29, n. 30, n. 33, n. 36

<sup>137</sup> Above, pp. 173



and was accustomed to having dealings with the Scottish king concerning land disputes as a matter of routine.<sup>139</sup> Although the Nevilles were not closely connected with the administration of the bishop under Bek, they certainly could have expected some, if not the leading, role in organising the truces and the collection of protection money. Nevertheless, as Neville interests were more consistent with acting in the interests of the north as a whole in the service of the king, it seems unlikely that they felt seriously threatened by their exclusion. Furthermore, on the eve of his murder of fitz Marmaduke, Robert had begun to play a role in truce administration; in October 1317, he was granted 100 marks in part payment of 300 marks 'for the protection of the bishopric'.<sup>140</sup> In November, he received a further 800 marks for payment to Robert Bruce, followed by three further payments of £11 14*d.*, £16 12*s.* and 50*s.* for the protection of the bishopric in January 1318.<sup>141</sup> The phrase 'protection of the bishopric' is somewhat ambiguous, but it seems likely, as suggested by Holford, that he was acting as either steward or keeper of the bishopric late in 1317 after the death of Bishop Kellawe.<sup>142</sup>

Thus it appears that by the beginning of Bishop Beaumont's episcopate, Robert de Neville had recovered the position which his father might have expected in such a matter of importance. Nevertheless, it can be questioned how far his father's disgrace of 1313 would have slowed his progress. Before this, he had ranked second to his father in one of the bishop's grants of patronage, but it seems likely that this was mainly due to the fact that his father was the leading man; in grants where the younger Neville stood alone, he ranked lower, such as in the bishop's grant of 30 acres of waste land to Geoffrey Henneknoll in

<sup>138</sup> Offler, 'Murder on Framwellgate Bridge', p. 196

<sup>139</sup> *CCR*, 1272-79, p. 251; *CPR*, 1272-81, p. 69; see also Young, *The Making of the Neville Family*, p. 95, p. 99

<sup>140</sup> DCM MC 3448

<sup>141</sup> DCM MCs 4111, 3563, 3731, 3465

<sup>142</sup> Holford, 'The Community of Durham and the Purchase of Peace', p. 11

March 1313, in which Robert ranked below Hilton, Hansard and Washington.<sup>143</sup> After his father's excommunication, his position in the witness lists does not appear to have suffered, and, if anything, it appears to have been consolidated; in a similar grant of waste land in May 1314, Robert de Neville ranked third, behind fitz Marmaduke and Hilton, and ahead of Walter de Washington, William de Denum and Adam de Bowes.<sup>144</sup> It is also possible to overstate factors such as the partiality of Kellawe, who had been a close friend of Richard fitz Marmaduke's father, and who retained Richard at a higher fee than Robert de Neville.<sup>145</sup> This, however, was understandable; Richard was the head of his family and had the landed wealth and social pre-eminence which Robert was yet to inherit. Within this context, Marmaduke's leading role in truce-making was understandable, especially given his family relationship to Bruce. The fact that Robert's position was evidently not at risk after the family crisis of 1313, and that the family naturally leaned towards royal, rather than episcopal service, demonstrates how unlikely it is that Neville's motive for the murder of fitz Marmaduke arose from jealousy over the latter's control of the administration of the truces. Offler highlighted some evidence which suggests that Richard fitz Marmaduke may have exploited his position for personal gain, but he, and, more recently, Holford, have downplayed this as a reason for the murder, the latter arguing that 'the opportunities for profiteering which the truces offered have been considerably exaggerated'.<sup>146</sup> There is evidence, indeed, that the secular levies were based on schedules of assessment similar to those used for the ecclesiastical levies.<sup>147</sup>

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<sup>143</sup> *RPD*, II, pp. 1205-06

<sup>144</sup> *RPD*, II, pp. 1269-70

<sup>145</sup> Richard fitz Marmaduke was engaged for 20 marks a year, Robert de Neville for £10; *RPD*, I, p. 9-10; II, 1169-70

<sup>146</sup> Offler, 'Murder on Framwellgate Bridge', p. 199; Holford, 'The Community of Durham and the Purchase of Peace', p. 7

<sup>147</sup> DCM MC 4399; *RPD*, IV, 274; see also Offler, 'Murder on Framwellgate Bridge', p. 199, n. 51. This has been demonstrated by Holford, 'The Community of Durham and the Purchase of Peace', pp. 7-8, n. 112, n. 113

In explaining the murder, three short term factors appear much more likely. First, the wranglings between fitz Marmaduke and his step-mother over her lands and their eventual settlement on the Lumleys, which have already been told elsewhere in greater detail, but which were exceptional in their ferocity and must have angered her Neville relations, who apparently held her in high esteem.<sup>148</sup> Second, Marmaduke's alienations of lands to Thomas of Lancaster, again already considered, but significant in this context because of how the Nevilles could have viewed this.<sup>149</sup> The Nevilles would have undoubtedly feared the influence of Thomas of Lancaster within the palatinate because, unlike the Marmadukes, he had considerable landed wealth and influence outside Durham which could be brought to bear within the palatinate, thereby replacing a family of relatively equal status to the Nevilles with a man of potentially superior status, and great ambition; this may have been compounded by Richard fitz Marmaduke's close association with the earl, and the Nevilles' long history of royalist support.<sup>150</sup> Nevertheless, to hasten Lancaster's entry into Durham society by doing away with fitz Marmaduke would have been an illogical act, and this leads to the third factor, Robert de Neville himself. At best, Robert was a hot-head, more of a soldier than an administrator; it appears likely that in one incident involving the Scots, Robert's ill-judged bravery probably cost him the life of his son, as it did his own life less than a year later in June 1319, when, possibly in an attempt to win back some royal favour in the aftermath of events on Framwellgate Bridge, he led a skirmish at Berwick in which he was killed.<sup>151</sup> This makes it much more likely that Robert's action on Framwellgate Bridge was borne more of a temporary rage or an argument with fitz Marmaduke which caused Robert's festering resentment to boil over.

<sup>148</sup> Offler, *ibid.*, p. 200

<sup>149</sup> See above, p. 162-62; and Offler, *ibid.*

<sup>150</sup> *Parl. Writs*, II, ii, App. p. 66; Offler, *ibid.*, p. 201, n. 67

<sup>151</sup> Young, *The Making of the Neville Family*, pp. 101-102

What could easily have been crisis for the family soon turned to their advantage. After Lancaster's defeat in 1322, the Marmaduke estates reverted to the Hollands, who were a much more manageable force to deal with. Furthermore, Robert's death brought about the succession of his much more level-headed brother, Ralph, to the position of heir-apparent to their father. Robert's death was most convenient for Ralph as it allowed the parties concerned to draw a line under the events of 1318, which in the final analysis can best be described as borne of a festering long term resentment heightened by the short term catalysts of wounded pride and threatened interests. However, neither of these catalysts had their basis in administrative position, nor any notion that the Nevilles felt their role here significantly threatened; both of these had their basis in landholding.

In the long term, the position of the family later in the fourteenth century was comparable to its position in the late thirteenth century in terms of the type of people with which its members were associated, and in the type of business that concerned them. It has already been noted how, in the early thirteenth century, Ralph de Neville's grandfather was the lead witness to a land grant to the Kellawes alongside fellow knights John fitz Marmaduke, Robert de Hilton, Sir Robert Hansard, Gilbert de Heworth, and other gentry including Alan de Teesdale, Robert de Paxton and numerous members of the Kellawe family.<sup>152</sup> This can be compared to the grant of the manor of Thornley to Thomas and Eleanor de Harpyn in 1352, also already mentioned, witnessed by Ralph de Neville, Alexander de Hilton, Marmaduke de Lumley, William de Washington, knights, in addition to William de Dalden and William de Ludworth.<sup>153</sup> These grants have immediate similarities; in both cases, they depict the Nevilles as leading witnesses, closely supported by the Hilton family, which is unsurprising given the geographical area concerned. Important differences are evident,

<sup>152</sup> *Greenwell Deeds*, no. 70, p. 35. See above, p. 178

<sup>153</sup> *Greenwell Deeds*, no. 197, p. 92. See above, p. 180



however, namely the elimination of Marmaduke and the position of Lumley and Washington. A number of conclusions can be drawn from this; most obviously that the Nevilles' position in the society of the north of the palatinate was not only maintained, but increased, as neither Hilton nor Washington possessed the social pre-eminence of Marmaduke; more interesting, however is the position of Lumley, and to a lesser extent Washington. The Lumleys, it has already been seen, were close associates of the Marmadukes and benefited through the increase of their landed position as a direct consequence of the extinction of the line. Furthermore, the fact that the significant growth of the Hilton-Lumley-Washington affinity dates from the 1310s is probably not coincidental with fitz Marmaduke's death, and it is likely that the social elimination of his family benefited not only their former associates, the Lumleys, but other families in the northern affinity, such as the Washingtons and the Hiltons. The death of a major player in Durham society allowed other members of that society to consolidate their position.

Nevertheless, the position of the Nevilles in such affinities was irregular, although they unquestionably took a leading role when they were present. This illustrates the difficulty in tracing the dealings of the family in the palatinate in this period; at best, there are only snapshots of Ralph de Neville's role in Durham society after the eventual death of his disgraced father in 1331. One of the most immediate points to note is that Ralph was largely absent from the administration of the palatinate, providing further evidence that his brother's jealousy of Marmaduke had more to do with personal motives than a covetous desire of the position of steward. Like those of his forebears, Ralph de Neville's career was more consistent with the trend of royal service, even in relation to matters concerning Durham; for example, he was appointed Edward III's keeper of the bishopric on 2 October 1333 during the vacancy of the see after the death of Bishop Beaumont, whilst

simultaneously holding the position of steward of the king's household.<sup>154</sup> Again, Ralph appears to have been on the royal, rather the Durham side of affairs, in July 1340 when Bishop Bury was directed to collect a tenth in the palatinate as part of a payment made by the clergy of the province of York to Edward III for two years, with payment to be made to Neville and Henry Percy, who were 'employed in the defence of the realm'.<sup>155</sup> Nevertheless, he did figure in some important business of the bishop; in August 1345, he was appointed to a commission alongside Prior John Fossor, Alexander de Hilton, Thomas Surtees, Roger de Essh, Roger de Blakeston, Adam de Bowes and John de Menvill to investigate a lengthy list of local gentry from Durham and Northumberland accused of interfering with the bishop's rights of navigation and fishing in the southern half of the waters of the Tyne.<sup>156</sup> The involvement of other members of the family in Durham society is also reflected in a commission of *oyer and terminer* concerning a similar matter issued by Bury in May 1343 to Richard de Aldeburgh, Alexander de Neville, Ralph's brother, William Basset, Thomas de Metham and Thomas de Fencotes, to enquire regarding certain persons charged with infringing the bishop's rights to the wreck of the sea at Howden whilst Bury was away with the king on the king's service.<sup>157</sup> The combination of Ralph's interests can be aptly demonstrated by the fact that he was appointed as overseer of the keepers of the temporalities of Durham by Bishop Bury in July 1338 and June 1340, whilst the bishop was in France with the king, who had also appointed Neville Keeper of the Realm for the same period.<sup>158</sup> Nevertheless, the weight of the evidence reflects that Ralph de Neville was much

<sup>154</sup> *RPD*, IV, pp. 175, 177-78. His tenure was relatively short, however, and he was instructed to restore the temporalities to the new bishop on 7 December, *RPD*, IV, pp. 179-80. For other business concerning the keepership, including the appointment of William de Leicester as Edward III's chancellor of Durham, cf. *ibid.*, pp. 176-78

<sup>155</sup> *RPD*, IV, p. 241

<sup>156</sup> *RPD*, IV, pp. 334-37. Neville was listed after the prior, as one would expect, ranking him as the most prominent lay man associated in the commission.

<sup>157</sup> *RPD*, IV, pp. 251-52

<sup>158</sup> *Complete Peerage*, IX, p. 500, n. d; *CPR*, 1338-40, pp. 112, 528; *RPD*, III, p. 209

more actively employed as a commissioner outside Durham, as well as figuring in some of Edward III's most significant campaigns, especially in the defence of the north, his most notable contribution to which included leading one of the armies that defeated David II at Neville's Cross in October 1346.<sup>159</sup>

Apart from his role in the administration and defence of the north, Ralph de Neville did take an interest in extending the fortunes of the family in the palatinate. In June 1340, he made a curious indenture with, ironically, Richard fitz Marmaduke's widow, Eleanor, to exchange the rents and services of his free tenants, as well as his husbandmen, in Winlaton, Blayden, Barlow and Spen for a moiety of the manor of Carlbury and all her lands and tenements in that manor and Ulnaby, to hold for the duration of Eleanor's life, which was witnessed by Marmaduke de Lumley, William de Wallworth, John de Thornton, John de Birtley, Thomas de Stretvill and Gilbert de Merley, but later declared void.<sup>160</sup> An indication of the potency of Neville lordship can also be seen in examples of wardships held by Ralph; in February 1341, for example, he was granted the wardship of Robert, son and heir of Sir Robert de Binchester, a tenant in chief of the bishop, with all his lands and tenements, and in June 1345 he was granted the wardship and lands of William de Kellawe, another tenant in chief, in addition to the minor's marriage.<sup>161</sup> Finally, in July 1345, he can be noted as the lead witness of a grant of free warren to Henry de Langton and his son, William, in their manors of Wynyard and Redmarshall, followed by Alexander de Hilton, John de Eure, Thomas Surtees, the steward, and Robert de Calne, the chancellor.<sup>162</sup> There is probably no more potent evidence of Ralph's pre-eminence in Durham society than this witness list, in

<sup>159</sup> Ralph was found as a commissioner of oyer and terminer in Yorkshire in 1338, 1340 and 1348 and with even greater regularity in the 1350s, as well as keeper of the peace in Yorkshire and commissioner of oyer and terminer in Northumberland in the same period. Young, *The Making of the Neville Family*, pp. 103-104. For Ralph de Neville's military career see *ibid.*, pp. 112-18

<sup>160</sup> *RPD*, III, pp. 333-36

<sup>161</sup> *RPD*, III, p. 361 Binchester's lands were finally made over the Neville in 1343, having been in the hands of William de Nassington, *ibid.*, pp. 418-19. For the Kellawe minor see *ibid.*, 340-41

which he is ranked not only at the head of the knights, but ahead of the two major administrative positions in the palatinate; the fact that these are held by men who were in themselves significant knights, rather than middling ecclesiastics, is also testament to his position.

Some indication of the vertical links of the Nevilles within Durham society can also be deduced through attention to those families who held lands from them. This picture is incomplete, however, because it relies on the Durham *inquisitions post mortem*, meaning that it is impossible to get much of an idea before 1318, and the evidence up to c.1346 is not as abundant as in the subsequent period, but some broad trends can still be noted. Neville lordship can be noted in each of the identified 'tiers' of gentry society in this period. In the upper tier the Nevilles were prominent as the lords of the Menvills and, as has been noted, a potent influence in the development of that family's fortunes.<sup>163</sup> Apart from this, territorial links between the Nevilles and other members of the upper gentry are few. This is particularly interesting because the rest of these families are characterised by horizontal links within the tiers; the Conyers for example, holding Clowcroft from the Hiltons, or the Greystokes holding Brierton from the Cliffords and Neasham from the Tailboys. The only manors which Ralph de Neville did not hold in chief from the bishop were Raby and Staindrop, which were held from the prior of Durham, and the manor of Walworth, which was held from Richard Scrope, who can certainly be considered external to the Durham gentry.<sup>164</sup> Thus, whereas the rest of this upper tier cultivated ties of landholding between themselves, the Nevilles appear largely aloof from this.

Apart from this, the Nevilles were linked to their contemporaries in their vertical connections. These ranged from whole manors, such as West Grindon, Wooleys and West

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<sup>162</sup> *RPD*, IV, 326-27

<sup>163</sup> See above, pp. 162-64



Brandon, which Hugh de Burdon, and his son Hugh, held from the heir of Ralph de Neville from c.1310 through to 1349, to minor lands and tenements, such as those held by Edmund de Denum from Ralph de Neville at the time of his death in 1351; by the time of the younger Hugh de Burdon's death in 1349, he held four manors in total.<sup>165</sup> In another case, a whole family's holding could be held of a major lord like Neville, such as the family of William de Brunninghill, who in the mid fourteenth-century held a moiety of the vill of Biddick, the vill of Burnigill, the manor of Morley, a holding called Croketon in Brancepeth, and various other lands, all from Ralph de Neville.<sup>166</sup> Nevertheless, further down the social scale, the holdings became smaller and more scattered, but various other families can be noted holding minor lands and tenements from Ralph de Neville, and there were undoubtedly a greater number of these which have not survived in the evidence.<sup>167</sup> The general picture, however, is clear, and consistent with the pattern of vertical lordship noted in other major families. Gentry such as the Kellawes, or the Hotons of Butterwick both held lands and tenements of the Conyers, as did substantially lesser men such as Simon Lam, who held minor tenements from the family in Durham city; a similar picture also emerges in the dealings of the Eures, who had shared lordship with the bishop over lands and tenements held by Thomas de Bermeton in their manor of Witton in Weardale, and who had seised Thomas' son, John, of the whole manor by c.1350.<sup>168</sup> To note the existence of such links is easy; it is more difficult to express the full manifestation of such

<sup>164</sup> IPM Robert de Neville, 23 Hatfield, TNA DURH 3/2, fo. 79 (81)

<sup>165</sup> IPMs: Hugh de Burdon, 3 Beaumont, TNA DURH 3/2, fo. 3 (5); Hugh de Burdon, 5 Hatfield, TNA DURH 3/2 fo. 39d. (41d.); Edmund de Denum, 7 Hatfield, TNA DURH 3/2 fo. 48d. (50d.)

<sup>166</sup> IPM William de Brunninghill, 12 Hatfield, TNA DURH 3/2, fo. 62d. (64d.)

<sup>167</sup> See IPMs: Alan de Botery, 5 Hatfield, TNA DURH 3/2, fo. 37 (39); Hugh de Teesdale – 3 entries, 4 Hatfield, TNA DURH 3/2, fos. 30d. (31d.), 31 (33), and 5 Hatfield, TNA DURH 3/2, fo. 41 (43); William de Walworth, 8 Bury, TNA DURH 3/2, fo. 21d. (23d.); Henry Freeman, 5 Hatfield, DURH 3/2, 42d. (44d.)

<sup>168</sup> IPMs: Richard de Kellawe, 11 Hatfield, TNA DURH 3/2, fo. 55d. (57d); John de Hoton, 2 Bury, TNA DURH 3/2, fo. 9 (11); Simon Lam, 5 Hatfield, TNA DURH 3/2, fo. 35d. (37d.); Thomas de Bermeton, 4 Hatfield, TNA DURH 3/2, fo. 32d. (34d.); John de Bermeton, 5 Hatfield, TNA DURH 3/2, fo. 38d. (40d.). For evidence of lordship of more minor figures, see IPMs: William de Foxcotes, 6 Bury, TNA DURH 3/2, fo. 19d. (21d.); Alan de Botery, IPM 5 Hatfield, TNA DURH 3/2, fo. 37 (39).

vertical links within the Durham gentry. However, conclusions can still be made on their significance. In the case of the Nevilles, it can definitely be said that the existence of such links, in addition to their position in the witness lists, reflects their position of pre-eminence within that society, which was itself certainly unchallenged from c.1320 onwards; and in this case it is also significant to note that its basis was landholding, vertical lordship and the influence of the family in the grants and deals of others concerning land, rather than a dominance of the secular administration of the palatinate, from which the Nevilles remained consistently aloof.

#### IV

It is also necessary to say something of the wider picture of the Durham gentry. There are two questions which must be posed; the first, to determine how far the families concerned survived and whether a decline of the gentry class can be witnessed in these years; and second, how the territorial position of those families who did survive changed and fluctuated throughout the period. Within this, some attempt can be made to discuss the phenomenon of 'social mobility' and the transaction of land between families. An important study of this has recently been made by Payling, who has highlighted three factors in the passage of land between families; the demographic element, essentially the ability to produce a male heir; controls of inheritance, entails, etc., which restricted the ways in which land could be granted or sold; and the influence of the land market, although this was not a potent factor until after the Dissolution of the monasteries.<sup>169</sup> Much of Payling's analysis came from the evidence available in existing *inquisitions post mortem*

<sup>169</sup> S.J. Payling, 'Social Mobility, Demographic Change, and Landed Society in Late Medieval England', *EcHR*, XIV, 1 (1992), pp. 51-73, esp. pp. 52-54

(IPMs) for the realm as whole, a much more extensive collection of evidence than that available for Durham. The limitation of the Durham evidence in this period means that it is impossible to reproduce completely Payling's methodology, however some comparisons can be drawn between the evidence he presented in terms of the whole country, and that which exists for Durham.

As already mentioned, part of Payling's analysis is based on a statistical evaluation of demographics; the ability to produce an heir and the sex of that heir. A summary of his results can be reproduced:<sup>170</sup>

**Table 1. Payling's figures for the heirs of landholders**

	<b>Period from the reign of Henry III to the Black Death</b>	<b>Period from the outbreak of the Black Death to 1400</b>
Landholders with male heirs	72%	57%
Landholders with female heirs	10%	15%
Landholders leaving no issue	18%	27%

Payling's criteria have been simplified for the purposes of this study and the second and third groups amalgamated to reflect the end of a family line, or 'death' rate for a family; this would adjust Payling's figures to a 72% 'survival rate' and 28% 'death' rate for gentry families in the period up to 1349, and 57% and 42% for the following period. Furthermore, it is only possible to suggest survival and death rates up to c.1370 partly because of the chronological restrictions placed upon this thesis, (1370 representing the latest possible date where it can be assumed that a man who died in this year may have been active in the period up to 1346), and also because many families experience gaps in their IPM history

<sup>170</sup> Payling, 'Social Mobility...', pp. 54-55, cf. also Table 1, p. 55. I have simplified two of his criteria, which should read 'landholders leaving sons or sons of sons' and 'landholders leaving daughters, or the issue of daughters'.

between 1370 and 1400. In general, the evidence for Durham presents a less stark picture than Payling's overall figures.

**Table 2. Survival and Death Rate in Durham between c.1310 and c.1370<sup>171</sup>**

	<b>Period c.1310 up to c. 1350</b>	<b>Period c. 1310 up to c. 1370</b>
Survival Rate	89%	78%
Death Rate	11%	22%

Such overall percentages can only reflect a fraction of the overall picture, and, unlike Payling's analysis, they do not reflect the position before and after the advent of the Black Death. A separate consideration of each tier is much more valuable:

**Table 3. Survival and Death Rates in Tier 1 families up to c.1370<sup>172</sup>**

	<b>c.1310 – c.1349</b>	<b>c.1350 – c.1369</b>
Survival Rate	100% (12)	83% (10)
Death Rate	0% (0)	7% (2)

The most immediately noticeable factor here is the 100% survival rate of the major gentry in the period up to the outbreak of the Black Death. Strictly speaking, this figure is incorrect because of the exclusion of the Marmadukes from these figures; this family provide the exception to the rule as their death pre-dates the mention of any of the other families in the IPMs, of which there is not one surviving for Richard fitz Marmaduke in the Durham records. Furthermore, fitz Marmaduke's fate can definitely be classified as an extraordinary event, rather than an indicator of a general demographic change, so to

<sup>171</sup> See Appendix 2.2.3. below, where this table is reproduced in greater detail and the method taken in the composition of the figures illustrated.

<sup>172</sup> For this, and Table 4, See Appendix 2.2.1. below. Tier 1 comprises the 12 families which have been defined as the major gentry families in the palatinate in the period, namely Neville, Hilton, Lumley, Conyers, Greystoke, Farnacres, Birtley (the younger line), Menvill, Claxton, Gray, Surtees and Eure.



exclude it makes the figures more valuable for demographic comparisons. Two families died out in the subsequent period, the Farnacres in the early 1360s and the Menvills in 1372, and in both cases, the reasons here were entirely demographic; the Farnacres, as has already been illustrated, had been in biological meltdown since John de Farnacre's death in 1339. A similarly valuable statistic can be compiled to demonstrate the territorial position of these families:

**Table 4. Fluctuation in Family Lands in Tier 1 up to c. 1360**

	<b>All Families</b>
Families who witness a growth in their holdings	58% (7)
Families whose holdings remain stable	42% (5)
Families who experience a decline in their holdings	0% (0)

These figures are more interesting on closer inspection: of the 7 families which experienced growth across the period, 1 (the Menvills) later died out, whilst the Farnacres maintained their territorial integrity until their eventual extinction. Thus, whereas one might expect a family that died out to suffer a decline in the years leading up to its extinction, this is simply not the case. On the one hand, this demonstrates the arbitrary nature of demographics and the kind of risks which faced even those who were 'on-the-up' amongst the gentry in early fourteenth-century Durham; on the other hand, the fact that none of these families experienced an overall decline in their holdings in the period reflects the fact that the interests of the group as a whole were not under serious threat.

An analysis of the second tier produces a more complex picture. In the first place, it is necessary to divide the fifty families contained in this tier into an upper and lower group.<sup>173</sup>

<sup>173</sup> See Appendix 2.2.2. The upper group contains those families which can be traced in more than one IPM, which, by default, contains the most prominent of the families in terms of landed wealth, namely Howden, Denum, Whitworth, Kilkenny, Harpin, Epplinden, Bermeton, Birden, Mordon, Birtley (the elder line),

**Table 5. Survival and Death Rates in Tier 2 Families up to c.1370<sup>174</sup>**

	<b>c.1310 – c.1350</b>	<b>c. 1350 – c.1370</b>
Upper group survival rate	95% (19)	79% (15)
Upper group death rate	5% (1)	21% (4)
Lower group survival rate	60% (9)	56% (9)
Lower group death rate	40% (6)	44% (7)

The evidence from this table suggests that those further down the social scale within Tier 2 were more at threat in Durham society than their contemporaries in the upper half of Tier 2. It could be argued that the figures for the lower half are misleading because they rely on one IPM per family and thus evidence of a family's survival could have been lost. However, the figures for the lower half are calculated on the basis that existence of an IPM with reference to a male heir denotes the continued existence of a family, whilst IPMs which mention either no, or female heirs, reflect the end of the family line; by this criteria, the problem of single IPMs is eliminated. Another interesting observation concerning the figures in Table 5 is that, in terms of the upper tier, they also represent only modest falls in the number of surviving families after 1370, whilst those for the lower tier reflect a survival rate virtually identical to that which existed in the earlier period. Nevertheless, the major problem with the figures for the lower tier is whether those families for whom IPMs exists only for the post-1350 period were present in Durham society before 1350 and, if so, how should they be accounted for in the figures? This problem cannot be easily rectified; some

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Merley, Burdon, Vavasour, Lambton, Washington, Carowe, Elmedon, Brakenbiry, Guildford and Felton. The exception to this rule is John de Denum, who appears in a single IPM of 1326 in which his elderly brother succeeded him and likely died without heirs. John's territorial standing, however, definitely ranks him within the upper group. The lower group comprises those families who can only be traced in a single IPM, and who invariably include the holders of more obscure manors, namely a second line of Merley, with Ridell, Colleye, Hoton, Gra, Oxenhale, Hexham, Bradwood, Heley, Ludworth, Henknoll, Halle, Redheugh and Langton.

of the families who appear in the later period would clearly have been present in Durham society in the period before, such as the Esshes or the Brunninghills, whilst others, such as Randolph or Binchester, are simply unknown. Given this situation, it makes much more sense to combine the figures for both periods in the case of the lower level of Tier 2; when they are considered overall in the period c.1310 – c.1370, they return a value of 58% surviving and 42% dying.<sup>175</sup> Overall, what the figures presented here demonstrate is twofold: first, that the upper gentry seem to have been particularly resilient to the social and economic conditions of the period pre-1350; and, second, that the decline in the position of the gentry was, in general, not as marked as Payling's figures suggest for the rest of the kingdom, and, in the case of the lesser gentry, their rate of decline was no higher. The overall resilience of Durham landed society is also suggested by the fact that all cases of family expiration presented here were due to demographic failure, although the evidence is, as already admitted, incomplete.

One final factor can be noted in this analysis, and this relates to 'social mobility'. As already noted, most of the major gentry either increased or remained stable in their territorial holdings. Worthy of extra note, however, are those families in the upper half of Tier 2 who increased their holdings. As already noted, John de Bermeton increased the holdings of his father and grandfather in Witton-le-Wear, eventually holding the whole manor from the Eures by 1350.<sup>176</sup> Perhaps the most notable example of this was the family of Hugh de Burdon, whose family greatly benefited from the lordship of the Nevilles in this period.<sup>177</sup> The senior line of the Birtleys, however, witnessed a substantial decline, from holding three full manors to holding scattered lands throughout the liberty, a territorial

<sup>174</sup> This table is reproduced in two separate tables below, Appendix 2.2.2.

<sup>175</sup> See Appendix 2.2.2. Table 2.

<sup>176</sup> IPM Thomas de Bermeton, 4 Hatfield, TNA DURH 3/2, fo. 32d. (34d.); IPM John de Bermeton, 5 Hatfield, TNA DURH 3/2, fo. 38d. (40d.). See above, p. 200

<sup>177</sup> See above, pp. 181–85

fragmentation which suggests a decline in family fortunes.<sup>178</sup> Thus, there is some evidence of the type of social mobility referred to by Payling, although the evidence is too incomplete to trace such relationships in more detail. Nevertheless, although there is a case to argue that the Durham gentry demonstrated a greater level of resilience than Payling's figures would allow, his overall conclusion that social mobility was not greatly stimulated until the explosion in the English land market after the Dissolution would appear to be borne out by the evidence, even if it is incomplete in its nature.

## V

This study of the pattern of landholding in the palatinate has demonstrated a number of important themes. First, and most obvious, is the existence of both structure and affinity to the business of landholding, and the kind of lordship which was associated with it. It has already been noted how, in the case of office-holding, clear structures of association were in play. A similar pattern naturally emerges within landholding. It is possible to organise the families which comprised the Durham gentry into different levels for the purpose of study, and within a consistent treatment of the members of the most important group to identify patterns of affinity. This not only reflects how different groups of gentry dominated different geographical areas within the palatinate, but it also shows how various members within these groups defined their role within society. For many, such as the Conyers, or the Greystokes, their role was characteristically aloof; for others, like the Hiltons or the Lumleys, their influence within the landed affairs of their peers, was strong. This is typified by horizontal links of what we may call association, between these men, as well as vertical

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<sup>178</sup> IPM William de Birtley, 17 Hatfield, TNA DURH 3/2, fo. 68 (70); IPM William de Birtley, son of Waleran, 21 Hatfield, TNA DURH 3/2, fo. 75 (77)



links of lordship between them and more minor gentry, and between them and the Nevilles, who undoubtedly stood apart from the rest of gentry society. This obviously has implications for the theme of cohesion, and, in testing this theme, there exists a dichotomy in that whereas patterns of office-holding defy the theory, patterns of landholding appear generally consistent among the higher gentry, suggesting great cohesion and a sense of county community within the palatinate. What the evidence also suggests, however, is that in Durham, the relationship between office-holding and landholding could often be tenuous, especially amongst the higher gentry. Conyers, Eure, Greystoke, Hilton and Lumley are largely aloof from office-holding, and members of the Claxton and Gray families only begin to become involved in this at the end of the period. No better example is served than the Nevilles themselves. One thing which this chapter has attempted to stress is, through an exploration of the position of the Nevilles in this society, the fact that office-holding was not as important to the family as the sordid affair of the murder of Richard fitz Marmaduke has suggested to historians. The Nevilles' entire position in the palatinate was based upon the extent of their territorial holdings and the lordship which they could exert through it, glimpses of which are only available to the historian now, in addition to a general position of pre-eminence within the north of England as whole, which they cultivated through service to the king, rather than service to the bishop of Durham.

For others, however, such as the Menvills, office-holding was an essential way of securing the patronage of the bishop, and putting the family into a position where it could vie for the lordship and patronage of families such as the Nevilles. Here, it is possible to say more about the cohesion which characterised Durham society; the Menvills, a Northumbrian family, were clearly no threat to the position of the Nevilles within Durham, and it has already been suggested that Durham society possessed enough of a sense of fluidity to welcome men who could contribute positively to it. A comparison, and

admittedly one which it may be unfair to draw with the Menvills, can be seen in the influence of Thomas of Lancaster, which probably scared a good many other gentry families as much as it scared Neville, and was likely much more of a factor in Robert de Neville's anger in 1318 than the role of Richard fitz Marmaduke in the administration of the truces. Lancaster's virtual back-door attempt to enter landed society in the palatinate suggests that, although it likely had the sanction of the bishop, major landed society within Durham was an exclusive group, in the large part characterised by men who had held their lands, and their status, for the last couple of centuries. This suggests great long term stability within that society and the IPM evidence also suggests great resilience within Durham gentry society in the short term under great social and economic demographic pressures.

Although the evidence is incomplete, and it is a very short period from which to try and make conclusions about general trends, it does appear that the major gentry families were very secure, not to mention able in increasing their lot, and only threatened by biological uncertainties; furthermore, the gentry class as a whole also appear to have been generally more resilient to the pressures of the age than the rest of the English gentry. Overall, what appears to be in operation here is a society working on many levels, and which is far more cohesive than the picture presented by office-holding would have us believe. Whilst there was a cohesive gentry community based on the lordship of the bishop, beneath the surface of this there was not only a gentry society whose interests were highly localised, as depicted by the virtual north-south gentry split noted above, but also within this society a major player whose influence within Durham was partly defined by his role outside the palatinate. Within all of this, however, landholding, and the associations, lordship and affinity which went with it, was the key element.

## 5. The Implications of the Ecclesiastical Sphere.

Any study of the Durham gentry is incomplete without an analysis of the impact of ecclesiastical relationships within the palatinate. In one sense the very nature of the liberty was ecclesiastical; it was based on a potent symbol of religious power and identity, namely the cult of St. Cuthbert. The banner of the saint represented independence, and this independence was defined by an administration subject to an ecclesiastical jurisdiction and a society in which there existed a strong sense of separation from the rest of the kingdom. Within the ecclesiastical sphere, there were several manifestations of authority between which discord could arise and their relationships, their disputes and their collaborations were essential building blocks in Durham society which may have shaped the position and interests of the gentry. By its very nature, ecclesiastical activity could not take place in isolation from the rest of society; it has already been shown how, for example, the activities of the prior and convent in the land market played a significance role in the make-up of Durham society. In the interests of the theme of cohesion, which is so central to this study, it should also be noted that these manifestations of ecclesiastical authority included those from outside the palatinate, and conversely that those based within the palatinate had external interests. The impact of such ecclesiastical relationships can be demonstrated, first, through a brief consideration of some of the already well known disputes which occurred in these years, and second, through a consideration of other evidence which sheds light on how the day-to-day relationship between gentry and clergy developed in this period which a view to a fuller understanding of the position of the former group in these years.

A discussion of some of the more well-known disputes which destabilised Durham society in these years also serves to provide some context to the relationship between the gentry and the clergy, although it is not my intention to dwell too much on events which have already been discussed in detail by others writers, or which are outside the remit of this thesis.<sup>1</sup>

The existence of three manifestations of ecclesiastical authority within the palatinate made clashes between the clergy virtually inevitable; aside from the Bishop of Durham, there existed the Prior and Convent of Durham, who controlled Durham Cathedral, not to mention significant lands within the palatinate, and the Archbishop of York, whose rights over the other two, particularly his metropolitan status, were of perennial issue. In 1283, particularly violent clashes ensued when Archbishop Wickwane attempted to exert metropolitan rights over the monks *sede vacante* after the death of the bishop, clashes which forced the Archbishop to flee Durham for his own personal safety. Furthermore, despite the fact that the archbishop of York was superior to the bishop as metropolitan of the north of England, the position of the bishop as head of the most comprehensive liberty in the realm made the bishop a natural rival and encouraged in him the kind of pretensions in ecclesiastical matters which were already evident in his secular dealings. It also provided ample scope for dispute between the bishop and the prior of Durham over control of the ecclesiastical administration within Durham, and specifically the power of the bishop over the convent. In such a highly charged political atmosphere, ecclesiastical disputes could assume a potent significance as a destabilising factor within local society. Indeed, the newly appointed Bishop Bek experienced ecclesiastical conflict as early as 1285 when a dispute arose over monies collected in



Durham via papal taxation and deposited in the convent for safe keeping, which the pope had authorised Bek to appropriate. The monks refused to deliver these to Master William de St. Botolph and Thomas Levesham, the Bishop's officers, in spite of letters of credence from both the king and the pope. Angry words were exchanged between the sub-prior and Bek's steward, the equally officious and unscrupulous Botolph, who openly cursed Hoton for his procrastination before storming out of the convent accusing the monks of unpardonable ingratitude and of making the bishop appear ridiculous.<sup>2</sup>

Tension also erupted in a clash between Bek and the Archbishop over the metropolitan rights of the latter *sede plena*. Between September 1286 and November 1290, Bek ignored two instructions from Romeyn to attend convocation to discuss clerical subsidies to Edward I, preferring to treat directly with the king. As Fraser has argued, Bek's motives in doing so were not necessarily to evade his responsibility to provide taxation to the king; rather it made practical sense on the one hand, for him to deal directly with the king as he was a close royal servant, but, on the other hand, he was also keen to emphasise his independence from the metropolitan as bishop of Durham in his secular relations with the king.<sup>3</sup> So too were the bishop's officials, such as his Official, Master Adam de Easingwold, who systematically ignored the archbishop's mandates. When Bek refused, first, to check Easingwold, and second, to account for not doing so, Archbishop Romeyn excommunicated him. However, it was the archbishop who was subsequently hauled in front of the king and parliament in

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<sup>1</sup> Due to the famous (or infamous) nature of these incidents and their thorough treatment at the hands of writers such as Constance Fraser, some of what follows is partly drawn from secondary literature but illustrated through reference to the original source material.

<sup>2</sup> Despite Botolph's rhetoric, this charge was probably true, as Bek had agreed with the king that it should rightly be the bishop's officers who should collect the monies rather than the sheriff of Northumberland. Although the sheriff technically had no right to collect revenues within the palatinate, Edward I had failed to observe the niceties of this during the episcopate of Bishop Robert de Insula, and had sent the sheriff to collect revenues from the convent for his Welsh wars as recently as February 1283. As Fraser has pointed out, Bek was much more successful in preventing such incursions and maintaining the appearance of Durham's independence, cf. fn. 6 below. Regardless of who collected this money, its eventual destination was to be the same, but doubtless the blatant attempt by the convent to squirm out of surrendering this money caused Bek some embarrassment before the king, and Bek was not inclined to lightly forget being made to look the fool.

February 1293 charged with excommunicating an officer of the king without seeking his consent and fined £10,000 for offending the king's royal dignity.<sup>4</sup> Romeyn claimed that the bishop had continually flouted his ecclesiastical authority and ignored all instructions to account for his behaviour, a course which naturally led to the excommunication, in response to which Edward's attorney, Richard de Bretteville, famously stated that:

...the bishop of Durham has double status, to wit that of bishop in respect to spiritualities and that of an earl palatine in respect to his temporal tenements, and he [the king] says that although the archbishop might order him and transmit to him his canonical mandates in those things that pertain to his church... as to the things that pertain to the temporal fees that he holds of the king, and in which the hearing and amending of trespasses whatsoever pertains to the king or to the bishop in the king's name, the archbishop has or can have no temporal jurisdiction by reason of his spiritual office; wherefore...the archbishop's commissary fulminated the sentence against the bishop when he was under the king's protection by his side, by his order and in his service, in contempt of the king and contrary to his crown and royal dignity...<sup>5</sup>

In the wider context, this judgement also had wider implications for secular society because, as a result of the conflict, the crown had issued the most comprehensive statement of the secular independence of the bishop ever witnessed. No subsequent archbishop ever interfered with the bishop of Durham unless sure of the support of the Crown before proceeding.<sup>6</sup>

The appointment of Richard Hoton as Prior of Durham in 1290 paved the way for a series of clashes with much more potential for destabilising Durham society, and led to the most famous dispute of these years. An uneasy stalemate had existed between Bek

<sup>3</sup> *Reg. Romeyn*, ii. 82-83, 85-87; *Records of Northern Convocation*, Surtees Society 113, 1906, pp. 12, 13-16; discussed in Fraser, *Bek*, pp. 94, 111

<sup>4</sup> *CIM*, i., 447-8

<sup>5</sup> *CCR*, 1288-96, p. 331

<sup>6</sup> Fraser, *Bek*, p. 114

and Hoton until 1300, the bishop, for example, confirming a number of grants of land to the prior and convent, such as a grant made in August 1292 by Thomas Herrington of his manor of Houghall to the monks, which was witnessed by an important collection of the Bishop's advisers and councillors.<sup>7</sup> Furthermore, a year earlier, in November 1291, Bek had issued a licence to the prior and convent to buy or appropriate new lands within the bishopric up to the value of 40 marks, with a free hand regarding their use, as well as granting the monks rights of free warren in their lands of Westoe and Wardley, and rights of free chase in the priory estate at Muggleswick.<sup>8</sup> Such gestures on the part of the bishop were seemingly reciprocated by Hoton, who in 1294 and 1298, alongside other witnesses from amongst the bishop's officers, confirmed land grants to Richard de Coxhoe, one of Bek's favoured clerks and a justice.<sup>9</sup> Thus there is some evidence of both men promoting the interests of the other (or their men) through such grants.

Nevertheless, the personal nature of relations between them had more potency in fostering animosity. In 1294, for example, Hoton was falsely indicted and slung into prison for allegedly taking game in the bishop's forest, a charge which was later thrown out of court. In 1297, Hoton brought cases against Roger de Esh and Peter de Bolton for removing carriages, wagons and cattle worth £20 for the king's war effort on the bishop's behalf; they were ordered to pay compensation of 8 marks and 40 shillings respectively, and Esh was also required to make an extra payment of £10 to the prior.<sup>10</sup> Such levies caused added strain between bishop and prior not only because it was the administration of the bishop that was instrumental in making these levies, but also because the enthusiastic participation of the bishop in the Scottish wars required a

<sup>7</sup> DCM: 3.2.Pont.15a; Cart. II ff. 237v-238r/Cart. III ff. 219v-220r

<sup>8</sup> DCM: 3.9.Pont.1; 4.3. Pont. 4; 3.2. Pont. 16; see also DCM Reg. I. ii, f. 28v.

<sup>9</sup> DCM MC 6414, copied MC 6415 & Reg. I. ii., f. 42; MC 6416. The prior and convent also acted as witnesses to Bek's assignment of the revenues of the manors of Howden and Northallerton in Yorkshire to the Earl of Cornwall to pay off a debt of 4,500 marks in August 1295, DCM Reg. I. ii., f. 28r-v, *CPR* 1292-1301, p. 145

<sup>10</sup> *RPD*, IV, pp. 67-9; Fraser, *ibid.*; DCM Loc. VII, 70, m. 3d, II 1-58; DCM Reg. I, II, ff. 78-80

healthy supply of carriages and oxen which his officers had to raise by hook or by crook from the holders of local estates such as the prior and local gentry.

The major dispute between Hoton and Bek was, of course, the matter of the bishop's visitation in 1300. A narrative of events can be dispensed with as the events are sufficiently well known and partly discussed elsewhere,<sup>11</sup> although some pertinent conclusions can be drawn. First, this incident stands out from those previously discussed because the implications of it were much more wide ranging. Here was an incident with the potential for simultaneously creating discord not only between the two manifestations of ecclesiastical authority *within* Durham but drawing in the archbishop of York by virtue of Hoton's foresight, and also involving other sections of Durham society because Bek had marched into Durham cathedral with a retinue comprised of some of the major figures from both the clerical *and* the lay spheres of his administration; Bek's accompanying retinue included Botolph, in his capacity as archdeacon, in addition to Master Adam de Driffeld, the canon of Ponteland and spiritual chancellor of Durham, Master Robert de Alberwyk, the official of Durham and dean of Auckland, as well as his predecessor as official, Master Alan de Easingwald, and the temporal chancellor of Durham, Peter de Thoresby. These men were expected to take an active role in promoting the bishop's interests in this matter. On 22 May 1300, Thoresby was dispatched with Sir Walter de Washington and Sir Archibald de Torthorald, with a number of clerks, to take possession of the priory and its estates, but the doors of the convent were shut fast against them and a virtual blockade of the convent began.

One can only wonder what the reactions of such men were to the developments unfolding before them. In one respect, Bek was essentially setting the secular side of Durham administration against the ecclesiastical. This is illustrated further by the case

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<sup>11</sup> There is no better source for such discussion than Fraser, *Bek*, *passim*.



of the secular chancellor, Thoresby, who was ordered to take custody of the other estates of the priory, although he was later chastised for appearing too eager to return them to Hoton after preliminary agreements between the bishop and prior at Evenwood later that year, and Bek replaced him as keeper of the estates with Sir Thomas de Richmond; the bishop wanted clear evidence of the submission of the prior before giving up his foothold.<sup>12</sup> This case demonstrates the uncertain environment in the Durham administration in this year and the pressures placed upon such men to remain unwavering in their allegiance to the bishop; Thoresby's eagerness to push forward conciliatory gestures reflects the difficulties under which such men were placed by such a divisive situation, and their desire to resolve it.

Furthermore, matters were not helped by the agitations of the bishop's Lincolnshire retainers, and other hangers-on, men such as the zealous Archdeacon Botolph, or Sir Philip Darcy, who was to become prominent in helping to break the siege of the convent now in place. Such men were naturally drawn in by the bishop from his personal affinity, but in a situation such as this they helped exacerbate the divisions within that society. Darcy appears to have been the fourteenth century equivalent of a 'hard-man', drawn in by the bishop after a violent fist-fight between the prior and men of the convent and William le Usher at Bearpark just outside Durham on July 27. Darcy arrived in Durham on July 31 with a large compliment of archers from Tynedale, which had been swelled by a further three hundred infantry by August 7. They were employed in the business of sabotaging the prior's mills and rushing the gates of the convent, eventually breaking them down on August 21 in an attempt to forcibly install a new prior, Henry de Luceby. Hoton still refused to submit until, on August 24, Darcy and the rebel monks finally forcibly dragged him from the stall to which he had clung for three whole days.<sup>13</sup> Thus not only was Darcy from outside Durham, but through his actions

<sup>12</sup> Fraser, 'Officers', p. 25; *RPD*, IV, 15-19

<sup>13</sup> Account taken from the *Gesta Dunelmensis*, reported in Richardson, 'Bek', pp. 156-60

on behalf of the bishop, he brought in other elements from outside Durham which artificially enflamed the situation and raise the question of how much the agitation reflected the concerns of the local gentry.

Nevertheless, ordinary knights and gentry from within Durham society were certainly not aloof from the conflict, and there is evidence of a polarisation of Durham society into two camps. There was a good deal of sympathy for the prior from amongst Bek's free tenants, led by Sir John fitz Marmaduke and Sir Ranulph Neville, to whom the chronicler Robert de Graystones tells us 'there adhered...almost all the knights and free-tenants of the bishopric' who 'laboured for their cause' with the convent 'by reason of hatred toward the bishop'.<sup>14</sup> They shared some similar grievances; they too had been harried by forced carriage, and their marked reluctance to join Bek's retinues for Edward has already been seen.<sup>15</sup> Nevertheless, more important in this was the issue of the extortions made against them by the bishop's officers, especially Botolph, who appeared increasingly above the law, or as another chronicler put it:

Because of the bishop's familiarity with the steward few there were who dared lay complaint of him before the bishop, because, in any case any did do so, they invariably brought back one answer from the bishop...[which was]... "Go to master William...since he will do you nothing save what is just"; and thus he who was the principal author of the injuries, was always made their judge.<sup>16</sup>

Graystones' assertion that all the knights and free-tenants manifested direct hatred towards the bishop was likely an exaggeration, although men like Botolph they certainly would have hated. Botolph was virtually immune from judgement against his person; in a case brought by Hoton against the Bishop's officers for damages incurred by their

<sup>14</sup> Graystones, chapter XXIII, p. 96, *ibid*.

<sup>15</sup> See Brian fitz Alan case study, above pp. 100

<sup>16</sup> *Gesta Dunelmensia*, m. 3, 11. 8-10 (ch. v.) – translated by Richardson, 'Bek', p. 141

seizure of twenty-two sacks of wool in transit to Boston in 1299, the jury was unable to secure a prosecution or impose penalties but made no bones of attaching blame squarely to Botolph.<sup>17</sup> In effect, it was much easier to point to where blame should lie than to squarely ascribe and take penalties for it.

Thus although the ecclesiastical disputes can be seen on the one hand as part of an overall much larger problem, they assumed greater significance in this scheme of things in their role as a catalyst. As already mentioned, it is possible to speak in terms of the polarisation in Durham secular society and the part of that society which stood against the Bishop, but another part stood with him – that which comprised his secular administration. Such men were sheltered from the machinations of Bek's more unscrupulous ministers, but their support for the bishop was rooted in their loyalty to his administration, rather than a personal loyalty; put simply they were men in his favour who were committed to defending his interests. Defending the bishop's interests is clearly what his justices had in mind on 12 May when they arrested William de Brometoft in Durham Castle for exhibiting letters of royal protection in favour of the prior, a direct affront to the royal dignity of the king.<sup>18</sup> Edward was, not surprisingly, unimpressed; he ordered the immediate, unconditional release of the prior's man and reserved judgement on Bek until the parliament of 1 July 1302, where the bishop failed to appear to answer for this matter, leaving John de Cestre, who was prosecuting on behalf of the king, free rein to condemn him. Consequently it was found that:

It was beyond doubt that he had imprisoned Brometoft in virtue of the regalian liberty which he claimed in his bishopric; and since he would not come to answer the king for this imprisonment and to justify his regalian liberty, his franchise should be seized and remain in the king's hand...[and]...since the bishop held regalian liberties, for the exercise of these he must be

<sup>17</sup> Richardson, 'Bek', pp. 134-5 Penalties were also imposed upon the Prior for a false claim regarding the damages.

<sup>18</sup> For greater discussion of the events here and their significance, see above, pp. 77-83

regarded as a king's officer and an executor of royal mandates, just as other magnates within the realm holding franchises. These liberties arise from royal grants, yet the crown is an integral whole, and therefore the liberties are inferior to the crown. Officers and bailiffs of the bishop by reason of the liberty presumed to imprison Brometoft for displaying a royal protection within the liberty, and the bishop had not appeared in court to hear judgement. The bishop had been disobedient, imprisoning by virtue of his regalian liberty where he should have obeyed; and he should be punished in that wherein he offended. Judgement therefore was that the liberty should be seized into the king's hand and Brometoft should recover against the bishop damages, assessed by the justices at £20...[furthermore]...the bishop should be seized for the imprisonment and his contempt ...<sup>19</sup>

This action ran deeper than the text would suggest; it was clear that this action came as a last resort by the king in light not only of the ecclesiastical squabble, but Bek's secular difficulties. The fact that he was engaged in violent disputes with both the convent and his free tenants indicated that he could no longer command either respect or obedience within the liberty. Both factions had petitioned Edward I to intervene in recent years and the affront provided here merely gave him the ideal opportunity to do so, on July 7 appointing Robert de Clifford keeper of the bishopric and setting in place William de Ormesby as justice of assize to hear the complaints of the commonalty and the convent of Durham against the men of the bishop.

In terms of setting the context, this final example demonstrates how the generally cohesive society of the palatinate could be temporarily turned on its head. There was great scope for dispute over ecclesiastical relations within the Palatinate due to the fact that the secular administration was headed by an ecclesiastical figure who, by default, promoted a variety of secular and temporal officers within his administration. In one sense, the promotion of both types of men was natural and beneficial to creating a sense of cohesion within Durham administration, although the fierce in-fighting which

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<sup>19</sup> Fraser, *Bek*, p. 155



resulted brought in external interests whose influence lessened the cherished independence of the liberty. Nevertheless, the clergy and the secular society of the palatinate were only too eager to exploit such interests as a lever against the bishop, a fact which has implications for any arguments concerning 'cohesion' or 'identity' within Durham society. Indeed, the monks of Durham, and certainly Richard de Hoton, apparently saw little wrong in having fought bitterly with the archbishop over the extent of his metropolitan rights in the 1280s and then seeking his protection against their bishop in 1300, putting the promotion of individual rights and interests over any sense of a cohesive Durham identity.

## II

Beyond these examples there were, however, a whole range of day-to-day ecclesiastical relations between the bishop, prior and lesser ecclesiastical officers. These relations had the potential to involve the local gentry in a variety of ways, most obviously when conflicts of interest occurred. Furthermore, it appears that most disputes were solved internally if they could be, highlighting how extraordinary the events of 1300-2 actually were. In this process it made sense to make use of prominent local men as witnesses and arbitrators, which may itself reflect a growing sense of locality and cohesion within Durham society. To determine this, it is necessary to take a closer look at the relationship between the bishop and the monks and to determine how the role of the gentry was defined in these relationships in the thirteenth and fourteenth century. Some conclusions concerning the role and interests of the Durham gentry can be made from a comparison of the composition of the witness lists from a selection of grants made by

the bishops of Durham in the fifty year period prior to this thesis, with those evident in grants made during the period of the thesis.<sup>20</sup>

The first example can be taken from the early 1230s, when Bishop Poore confirmed grants made by William and Robert de Bruce to the prior and convent of the liberties of Hartlepool and there is evidence that Bishop Poore's successors continued to promote the interests of the prior and convent through grants of lands and liberties within existing lands.<sup>21</sup> In the 1240s, Bishop Nicolas Farnham made several significant grants of land around Bearpark; in 1242, he granted approximately two miles of land near Lanchester and, in 1248, 100 acres of wood at Milneside, grants which were later confirmed by Bishop Walter Kirkham.<sup>22</sup> Kirkham also granted rights of free warren and enclosure in this wood and free warren in the monk's parks at Aycliffe, Ferryhill, Rainton and Heworth; in 1253 he also reconfirmed a charter of 1204 issued by King John confirming the properties, possessions and rights of the prior and convent and in 1260 also issued licences for them to enclose their wood at Muggleswick.<sup>23</sup> In the same year, he granted to the prior and convent 216 acres of land and wood at Horsleyhope with enclosure rights, reserving the right of the bishop to hunt within the woods.<sup>24</sup> Farnham's grants at Bearpark were re-confirmed in 1267 by Bishop Robert de Stichill, who agreed an extension of these in order for the monks to build a *palacium*<sup>25</sup>, and the right to enclose lands between their wood at Bearpark and the road leading to Aldin Grange if they could come to an agreement with Finchale Priory to acquire it from them.<sup>26</sup> Stichill also made good on an unfulfilled promise in 'le Covenit' to relinquish a substantial amount of land in return for the surrender by the prior and convent of any claim to rights over the bishop's forest, granting a total of 1300 acres of wood and 240

<sup>20</sup> Many of the following grants can be found in Appendix 3, in order to illustrate the full extent of the witness lists referred to, and also because most of this evidence remains unpublished.

<sup>21</sup> DCM 2.2.Pont.8

<sup>22</sup> DCM: 2.1.Pont.12a, 13; 3.2.Pont.7a.

<sup>23</sup> DCM: Cart. I. fo 92r.; 4.3.Pont.1a.; 3.2.Pont.1; 3.13. Pont. 2

<sup>24</sup> DCM 3.2.Pont.13

acres of waste land.<sup>27</sup> Finally, in 1278 Bishop Robert of Holy Island granted the prior and convent rights of free warren in their lands in Billingham and Billinghamshire, and in all their lands in the manor of Old Elvet, except for a stretch of wood on the river bank at Shincliffe.<sup>28</sup> A quick examination of the types of men associated with these grants, and their relation to the later period has some important implications for the theme of cohesion.

The evidence of the witness lists demonstrates a change in the kind of men who witnessed these grants over this period. Specifically, the grants in the earlier half of the thirteenth century contained greater numbers of ecclesiastical witnesses and lesser men; Farnham's grants of 1242 and 1248, for example, reflect a very high ecclesiastical content.<sup>29</sup> Furthermore, these two grants dealt with lands of a significant extent, and this is immediately significant as it sets these lists apart from similar grants of the later thirteenth and early fourteenth centuries where significant figures from within the gentry would be found witnessing a grant of this importance.<sup>30</sup> A more complicated picture, however, emerges in Kirkham's grants. His confirmation of the Farnham grants, c.1249-c.1260, is generally more consistent with the type of witness list in use thirty years later; ecclesiastical witnesses are notably absent in favour of a large group of knighted and non-knighted gentry including Sir Marmaduke fitz Geoffrey, Sir William Basset, William de Levingthorp and Thomas de Fishburn.<sup>31</sup> Kirkham's 1260 grant of 216 acres, however, imposes a list of leading ecclesiastics before the major gentry,

<sup>25</sup> A palace.

<sup>26</sup> DCM 4.2.Pont.1

<sup>27</sup> DCM 4.2.Pont.2

<sup>28</sup> DCM 4.3.Pont.3

<sup>29</sup> DCM 2.1.Pont 12a & 13 – the full witness lists for these grants can be found in Appendix 3. Most of the ecclesiastical men are irrelevant, although other men in the 1242 grant are familiar; William de Kilkenny is presumably related to the William de Kilkenny, Lord of Stotfold, who appropriated so much of Philip de Burntoft's lands, cf. case study, *passim*. Gilbert de Laton is presumably the father of the Gilbert de Laton who figures in the later thirteenth century as a gentry councillor of Bishop Bek. That he is not knighted in this instance may be significant and suggests that his low placing on the witness list was not simply due to a careless scribe. None of the men mentioned in the 1248 grant, however, had any significant gentry connection.

<sup>30</sup> Such as during the episcopate of Kellawe, see below, p. 229

<sup>31</sup> DCM 3.2.Pont.7a

including Neville, Hansard, Herrington and fitz Geoffrey, who are followed by a group of men styled simply as *domini*, headed by the bishop's seneschal, John de Eggescliff, followed in their turn by a group of lesser gentry including Geoffrey de Eggescliff and John de Northampton.<sup>32</sup> This list is significant on several levels. First, for the positioning of the groups; in one sense it is reminiscent of the pattern of major ecclesiastical figures, followed by knights, followed by lesser gentry, noted in grants witnessed by Bek's officers, although it differs in the respect that it makes a demarcation in the lower tier. Second, this demarcation itself is interesting; those cited simply as *domini* were most probably ecclesiastical figures of various ranks, they include for example a John of London, chaplain to the bishop, and Geoffrey de Elm, clerk, along with the seneschal John de Eggescliffe, which suggests a group of ecclesiastical officers and clerks. These two factors suggest that the thinking behind the composition of the witness list was in fact to rank the witnesses broadly into higher and lesser figures, and then within these two groups to create a demarcation in which the ecclesiastical witnesses were more important than the secular ones.

There is also a third factor which is significant on a wider scale, and that is that many of the men listed in these witness lists figure elsewhere. Of the knighted gentry, Neville, fitz Marmaduke, Hansard, and Herrington, were all influential men, or at least the fathers of similarly named influential men, under Antony Bek in the later thirteenth century. Their mention in a witness list of 1260 demonstrates that their promotion, or at least the mere use of their services, was not particular to only Bek, but evident under three of his predecessors. They were the leading witnesses of Stichill's grant of 1300 acres of wood and 240 acres of wood and waste, along with Richard le Chancellor, the seneschal, and Gilbert de Laton and Roger of Eppleton, knights.<sup>33</sup> Neville and Herrington were witnesses with Guichard de Charron, seneschal, to a grant of two acres

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<sup>32</sup> DCM 3.2.Pont.13

<sup>33</sup> DCM 4.2.Pont.2



and the advowson of the church of Meldon by Bishop Robert of Holy Island, along with Masters Alan de Easingwold, Robert Avenel and Robert de Driffeld; and John fitz Marmaduke, son of Marmaduke fitz Geoffrey was a witness with Charron, Roger de Lumley and William de Laton, knights alongside Easingwold, Avenel and Masters Peter de Thoresby and Thomas de Levesham to Bishop Robert's grant of free warren in Billinghamshire and Old Elvet in 1278.<sup>34</sup> This demonstrates that these men were active in later grants under Stichill and Bishop Robert, and already beginning to associate with men like Charron, Easingwold, Thoresby and Levesham, with whom they would figure in the last few years of Robert's episcopate and that of Antony Bek.<sup>35</sup>

This has significant implications for the theme of cohesion central to this thesis. The evidence shows that associations developed organically, almost independent of the bishop, and it certainly demonstrates that many of the men used by the bishops were already in place due to their existing position in society. Although the bishops were able to mould Durham society through whom they appointed as their officers, they were also limited by that society. This could also serve to explain why men like Botolph or Darcy were hated so vehemently by the gentry and the bishop's tenants; not merely because of their grasping ways, but as cuckoos in the nest. Nevertheless, this did not impinge on the fluidity which characterised Durham society, as an abundance of evidence has already demonstrated how men who worked honourably within the administration of the bishop were able to gain acceptance within Durham society even if their origins were external.<sup>36</sup> What it does reflect, however, are the natural limitations upon a bishop by the composition of the society of the palatinate and the ability of that society to reject those who did not work so honourably in its interests, and that is important.

<sup>34</sup> DCM 4.3.Pont.3, cited above, p. 222 For Bishop Robert's grant concerning Meldon cf. DCM 4.2.Pont.3

<sup>35</sup> See above, chapter 2, *passim*

<sup>36</sup> In effect, it was only a combination of being an outsider and being an unsavoury character which earned one hatred. There is little case, in my opinion, to suggest that the Durham gentry hated men simply for being outsiders, see chapter 2, *passim*.

Also important is the change witnessed in the type of men in lists referred to above, from Kirkham's ecclesiastical list of 1260 to the gentry lists of Stichill and Bishop Robert, which exclusively list knighted gentry before any mention is made of the clergy. On the face of it, this change seems quite sudden, especially when compared to Farnham's grant of 1242, barely thirty years previously. It seems likely that the use of the gentry in these witness lists became increasingly common from the middle of the thirteenth century and that one can consider the start of Kirkham's pontificate in 1249 as something of a watershed. By 1260, changes were certainly in place, as can be seen by the grants of that year<sup>37</sup>, and certainly by the end of Stichill's pontificate in 1274, the knighted gentry were the leading group in grants made by the bishop to the prior.<sup>38</sup> Two factors were most likely responsible for this phenomenon: first, the growing power of the prior and convent in the land market in Durham in the thirteenth century, which presumably heightened the sense amongst the gentry that their interests could be threatened; and second, the natural growth of the bishop's administration and the need to involve the gentry generally in decisions pertaining to the distribution of land. Admittedly, it cannot be ruled out that there may also have been specific circumstances involved in these grants, now unknown, which accounted for the increased favouring of secular witnesses, but these two conclusions would seem fair and suggest an overall trend of the Durham gentry expanding their interest in ecclesiastical relationships in the palatinate as they approached the fourteenth century.

Nevertheless, the evidence for the period after Bishop Bek reflects a stark contrast; rather than being closely associated with the relationship between the bishops and the clergy, the Durham gentry generally appear markedly aloof. Some exceptions existed,

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<sup>37</sup> This is shown not only through the confirmation of Farnham's grant already cited in this paragraph. Kirkham's grant of a licence to enclose the wood of Muggleswick in 1260 went further and demonstrated the more conventional later thirteenth-century style of witness list, commencing with the knights, (John Balliol, Robert Neville, Maramaduke fitz Geoffrey and William de Fengers), followed by the archdeacon, the masters, the steward and a servant. Cart 1. fo. 92r.

such as the early measures of Bishop Kellawe in December 1311 which extended the new bishop's favour to the previously harassed monks of the Priory of Durham, and were witnessed by some of the most influential of the contemporary knighted Durham gentry, including Ralph FitzWilliam, Robert de Hilton, Richard fitz Marmaduke, Walter de Washington and Thomas de Whitworth.<sup>39</sup> However, beyond this, this is no evidence to suggest that the Durham gentry were overly concerned with the day-to-day dealings, disputes or awards of lands between bishop and monk. This complete lack of involvement of the local gentry in an area where one would expect them to play some kind of role is striking, especially given their increasing interest in the dealings between the bishop and the priory in the late thirteenth century. This could be due to the fact that relations between the prior and the archbishop were of less importance to them because they took the focus of the dispute outside the palatinate, whereas their relations with the bishop would have a direct effect upon the locality, and their interests. It could also be due to the fact that the type of dispute here was less interesting to the gentry as it did not involve the landed interests of the monks, and when all is said done, was there any real concern for the fourteenth-century gentry man in the matter of who exercised spiritual jurisdiction in Durham during a vacancy of the bishopric? It would be the king, after all, who would assume the temporalities. The lack of any evidence of gentry interest, after 1305, in ecclesiastical disputes similar to the Bek-Hoton affair, also suggests that the solidarity of monks and commonalty witnessed in those years against Bek was definitely a transient phase in the relationship between gentry and clergy, borne out of extraordinary circumstances. It certainly enshrined no new precedent; it was simply the most conducive way for both to achieve their aims.

It soon becomes apparent that there was no need for the gentry to become embroiled in matters of visitation; even though most subsequent visitations were characterised by

<sup>39</sup> The witnesses to Stichill's confirmation of the wood of Bearpark were all knights; Ralph de Neville, Marmaduke fitz Geoffrey, Richard de Thweng, Roger de Lumley and Walter de Ludworth.

an increased climate of co-operation between the bishop and the priory, the gentry are, again, conspicuous by their absence.<sup>40</sup> It appears that both fourteenth-century bishops and priors had learnt an important lesson from the experience of their predecessors, and that was how much could be lost from their dog-fights in terms of money, energy and independence. Although the monks of the thirteenth-century had been eager to appeal to the gentry to help defend their interests, their fourteenth-century counterparts were more aware of the danger of too much involvement with a gentry class who, as will be seen, were prepared to aggressively exert and defend their interests in an unstable social climate.<sup>41</sup> In this sense, the bishop and the monks were defining their relationship not only by the lessons of the past, but also through an appreciation of the circumstances of the present, and the fact that being prepared to work through their issues sensibly, together, was much more conducive to safeguarding clerical independence in the palatinate. This suggests that a conscious effort was made to compartmentalise clerical affairs within the palatinate in the years up to Thomas Hatfield's episcopate, which, in conjunction with the evidence already presented indicating that the gentry were identifying their territorial interests and secular offices on a much wider basis in this period, suggests a division taking place between ecclesiastical and lay society in the palatinate in this period. Similarly, there appear to have been few grants in mortmain by members of the gentry in the first half of the fourteenth century, and certainly none survive for the period before Bishop Hatfield, compared to an increasing frequency of grants in the period after 1346, although this may reflect more the increasing self-interest of the gentry and that they were less responsive to the needs of their clerical

<sup>39</sup> DCM 2.2.Pont.10, 4.3.Pont.5a and 5b.

<sup>40</sup> The evidence for the period 1311-1346 suggests that subsequent bishops and priors of Durham were keen to avoid major confrontation along the lines of that witnessed between Bek and Hoton; cooperation and compromise characterised their relationship for the main part, and conscious efforts were made to limit the knock-on effects of confrontations. The evidence upon which these judgements are based is contained in Appendix 4 below.

<sup>41</sup> See below, pp. 228-32



counterparts in this period.<sup>42</sup> This assertion can only be supported through a closer look at areas in which the Durham gentry appear to have had either a tangible involvement in the relationship between the bishop and his clergy, or their own dealings with them, in the fourteenth century.

### III

It is difficult to trace the involvement of the gentry in one of the most common expressions of this relationship, namely the alienation of churches to the prior and convent of Durham and other monastic houses. These appear to be different from outright grants of lands in the sense that the bishop frequently did not see the need to involve any witnesses at all, particularly in the fourteenth-century, and where thirteenth-century lists exist they are primarily composed of clergy and occasionally a major officer of the administration, such as William de Middleton, the seneschal of Bishop Kirkham.<sup>43</sup> There are, however, some mentions of the gentry; Sir Marmaduke fitz Geoffrey was mentioned with Middleton in Kirkham's grants of Branxton in 1252 and of Heighington in 1253, alongside Sir William Basset and Sir Eudo de Punchardon in the case of the latter.<sup>44</sup> Such mentions are few, however, and suggest that the matter of appropriation of churches was largely a completely ecclesiastical affair.

Other relationships existed between the gentry and the monastic houses, particularly the monks of Durham. These relationships could be expressed in feudal terms; Sir Robert de Clifford owed homage to the prior and convent for lands held in Northumberland and was instructed by Walter Kirkham to pay it without delay in April

<sup>42</sup> Grants of lands in mortmain required the inspection of the bishop, so one would expect to find some record of these if they did exist. The earliest I have found are two inquisitions *ad quod damnum* of 1346 where the bishop allowed Walter Smith of Monkton to grant 71 acres of land and meadow in Monkton, and John of Wolviston to grant approximately 160 acres of land around Wolviston, to the prior and convent. DCM 1.11.Pont.1, items 5 & 7.

<sup>43</sup> See Appendix 4.

1252 after an enquiry into the non-fulfilment of his dues.<sup>45</sup> This is an isolated example, however. As has already been seen, a very different type of relationship became predominant in the later thirteenth century through grants and sales of land with the sanction of the bishop, such as Kirkham's confirmation of a sale of 6 acres of land by Sir Robert Neville to Prior Bertram in 1254, also witnessed by Middleton, the seneschal, fitz Geoffrey, Herrington, Sir William Heron, Sir Philip de Ley, Sir Alan de Kirkham, Sir Ralph fitz Alan, Sir William Haget, Sir Adam de Hilton, Sir Eudo de Punchard, Sir William Basset, Sir Ralph Traynel, Sir Henry de Eggleston and numerous ecclesiastical lords.<sup>46</sup> In the climate of the fourteenth century, the pressures of war with Scotland and the economic difficulties of the second decade would have ensured that monastic houses would have had fewer resources available to buy lands, and that the gentry of the north of England would have been less inclined to sell valuable property unless they had to. Economic pressures may be reflected in a dispute of March 1312 between John Gategang and John de Insula, the rector of Boldon, over Nesbit Moor at Boldon, where the rector claimed rights of common pasture in right of the church, a claim denied by Gategang, who won the case.<sup>47</sup> Some disputes directly involved the bishop himself; in April 1318, barely two months after becoming bishop, Beaumont was embroiled with Nicholas de Staindrop and Isabella, his wife, in a dispute over the advowson of the church of Staindrop and 16 acres of land in the locality, which Nicholas and Isabella eventually quitclaimed before the bishop's justices, Nicholas Gategang, Robert de Brompton, William de Denom and Richard de Stanelawe.<sup>48</sup> The same justices heard a case between William de Chilton and Geoffrey de Burdon, the

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<sup>44</sup> Also see above, p. 222-25

<sup>45</sup> DCM 3.2.Pont.10a

<sup>46</sup> An illustrious list of witnesses given the extent of the grant, probably due more to the status of who was giving it rather than how much they were granting. DCM 3.2.Pont.5

<sup>47</sup> DCM 4.1.Pont.5. Officially they reached an agreement by which Insula agreed to abandon his claim in return for Gategang offering one pound of wax at the altar of the church as the Annunciation (25 March) every year, which can be seen as a victory for the latter. The next month, Gategang received a quitclaim of further lands in Boldon from Agnes, widow of Thomas de Estnesbit, in return for an annual payment of 13s. 4d per annum, DCM 4.1.Pont.5 <sup>†</sup>

Prior of Durham, in September 1320, the former claiming that the latter, with twenty-seven assorted ruffians, had unjustly disseised him of the right of common pasture pertaining to his tenements in the Old Borough of Durham, the whole case hinging on whether Chilton, who held his tenement by burgage-tenure, which carried no right to common pasture, had previously been granted such a right. A practically identical case between William de Couton, Prior of Durham, and one of his tenants was heard by Thomas de Hepscot and the other justices of Bishop Bury in July 1334, and similar claims were made against Prior Fossor to John Mowbray and the other justices of Bishop Hatfield in 1359.<sup>49</sup> The concern of uncertain fortunes may have played a part in exacerbating these disputes but such disagreements would likely have arisen anyway; the conditions of the age just made such men pursue their rights more zealously. Furthermore, this was certainly not solely restricted to relations between clergy and laymen; Prior Fossor of Durham engaged in a dispute with the vicar of Merrington over the tithes of the church of Merrington in January 1344 which required Hatfield to step in and define their respective rights.<sup>50</sup>

These disputes are interesting because they reflect a dual trend. In most cases the disputes were very local and parochial in nature, characterised by fiercely prosecuted, but quickly solved, disputes over small matters. This sets them apart from the disputes of the thirteenth century, where conflict was defined by more definite issues of jurisdiction which could prolong quarrels for months, even years; the agreement of 'le Covenit' in the early thirteenth century and the difficulties between Bek and Hoton at the turn of the century serve as examples of this. Furthermore, although these disputes were so local that in some cases they did not go beyond the parish, or even the local church, they did not involve solely lesser men, like the tenants of Old Borough, as one

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<sup>48</sup> DCM 1.3.Pont.4

<sup>49</sup> DCM 3.3.Pont.4 (2 items) & 5. All three cases emerge from later exemplifications by Thomas Langley, issued in 1429.

<sup>50</sup> DCM 2.3.Pont.11a

might expect in the Chilton case, but also men of more substantial interests and status, men like the Gategangs, whose interests lay in Gateshead and the north of the liberty. In one sense, this is a reverse trend to what can be noticed in relation to officers and office holding, where the interests of such men became wider than the palatinate and encompassed other territorial areas; in many ways this reflects a society becoming more local, and men becoming more insular in their concerns. The renewed concern for local affairs was undoubtedly due to an increasing sense of threat, rather than any concepts of 'Durham identity'; there is no evidence to suggest that members of the Durham gentry were looking out for anyone but their own, or that they were acting as a single 'entity' to preserve a whole society. Therefore, there existed an interesting duality in the concerns of the gentry; on the one hand, they were open to identifying their career interests as widely as they could, whilst on the other hand, they were increasingly concerned with defending their local rights and interests in their relations with each other and with the church and monastic houses. Neither concern was really conducive to fostering a sense of Durham identity; rather it suggests that they saw the administration of the palatinate as an opportunity and mechanisms like the bishop's justice were merely a way of safeguarding their local rights.

It would be wrong, however, to suggest that the relationship between monks and the gentry was exclusively characterised by dispute in the fourteenth century. The prior and convent of Durham in particular benefited from the patronage of the gentry, although this was a different type of patronage. It can be characterised by letters issued by John de Carew on 15 June 1343, confirming that because he had had rights of free warren bestowed by Richard de Bury on his lands at Seaton Carew, and confirmed by the prior and convent, he was allowing the monks of Durham, or members of their household, to enter his lands and hunt any animal covered by the right of warren.<sup>51</sup> Virtually identical

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<sup>51</sup> DCM 4.3.Pont.12a.



letters or indentures were issued by Robert Bowes in June 1347, William de Swinhoe in January 1364, Sir Robert Umfraville in December 1368, and Sir John Conyers in September 1378.<sup>52</sup> Again, a twin trend is evident in these types of grants: first, that the gentry were granting rights within their lands, rather than granting the lands outright, a much cheaper form of patronage which did not result in the outright alienation of land to the monastery; and second, that this trend did not begin until the mid fourteenth century and became increasingly common from that point on. This further reinforces the idea that, in general, grants to the monasteries became less common in the later fourteenth century, partly due to the Statute of Mortmain of 1279, which made such grants more difficult, as well as the over-exploitation of the property market by the priory itself, but also due to the economic and social uncertainties which existed in the palatinate. It has already been suggested that the growth of the influence of houses like the Priory of Durham was probably the cause of an increase of gentry interest in grants by the bishop to the priory in the thirteenth century. What the evidence for the fourteenth century suggests is that economic pressures of the period made such men even more acutely aware of their local territorial interests, and more prepared to defend them aggressively not only against each other, but against appropriation by the priory and the bishop. Although the evidence is limited, that which exists suggests that by the 1340s this appears to have settled into a situation where the gentry were prepared to issue privileges within their lands to houses like the priory of Durham, but were less eager to alienate the lands themselves.

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<sup>52</sup> Bowes' letters covered his demesne lands in Stainton, Streatlam, Huiltun, Barford and Willington, Swinhoe's his demesne lands in Scremerston, Umfraville his demesne lands at Farnacres, and Conyers his demesne lands at Sockburn, Bishopton, Harperley, Black Hall and Stainton. DCM: 4.3.Pont.10; 4.3.Pont.8a.; 4.3.Pont.9; 4.3.Pont.13

## IV

The chapter has covered a number of relationships between the bishop and priory, their dealings with the Durham gentry, and how these relationships help one to define the role of the gentry in this period. Discussion has been made of: the significance of the visitation of 1300 as a factor within these relationships; the differing levels to which this dispute, and other types of ecclesiastical dispute, caused violent clashes within the liberty; and the varying levels of involvement of the wider community and the gentry within these disputes. The bishop, prior and the gentry were all happy to engage in activities which compromised the integrity and independence of the liberty when it suited their individual objectives in such crises. However, an attempt has also been made to set these events within a wider context relevant to their relationship with the Durham gentry, considering the thirteenth-century background and how subsequent relations developed in the fourteenth century. Within this relationship, changes and fluctuations can be noted in how the influence of the gentry was defined. The interest of the local gentry appears to have increased in the late thirteenth century, most likely as a result of the growing influence of the monks as landlords, and there is much evidence to suggest that the gentry were 'self-defining' in this process, namely their prominence under Bek's predecessors suggests that their role was not exclusively promoted by the bishop, or any particular bishop; it was also defined by the natural growth of the administration of Durham in the later thirteenth century and the gentry's own desire to be involved, especially in matters pertaining to the acquisition of territory.

What is most interesting about the fourteenth century, however, is the fact that the gentry appear almost completely aloof from major ecclesiastical relationships. This is surprising given the general growth of gentry interest witnessed in the late thirteenth

century, and the joint action of the commonalty and the monks against Bek in 1302. Even in the most potent of the disputes between the bishop and the prior in the post-Bek period, such as Prior Couton's dispute with Bishop Beaumont over appropriated churches in 1324-5, or the visitation of the priory by Bishop Bury in 1343-4, the gentry were absent, demonstrating that the kind of joint action witnessed against Bek was an isolated affair and does not reflect any common purpose or identity of specific issues between the two.<sup>53</sup> Overall, an interesting dichotomy can be witnessed in the developments in the role and outlook of the Durham gentry class in the fourteenth century. These men appear to have been much more concerned with the defence of their local interests due to the difficult social and economic pressures of agrarian decline, and the indirect effects of war. They became possessed of a more insular and local attitude, where questions of local rights were keenly debated and issues which affected the palatinate as a whole, such as the jurisdiction of the archbishop during a vacancy, were most likely secondary to their concerns. On the other hand, however, these men were, as has been seen, prepared to exploit the offices that existed in the palatinate and to identify their interests widely across the north to acquire further position, and to achieve material gain. This meant that their interests were at the same time both too limited and too over-arching to embrace the issues which concerned the palatinate; men were simply too concerned with self-preservation, even in Durham, and would have feared a similar fate to their counterparts in Northumberland.

The interests and changing fortunes of the priory also figured in this change of attitude. The financial position of the priory at the end of the thirteenth century was significantly weakened by the conditions of war. The economic turndown and decline in the value of property made the prior less powerful as a landlord, and coincided with grants from the bishop and the gentry drying up. This meant that even though the

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<sup>53</sup> I intend to expand on this point in a future paper.

hardships of the monks were alleviated by Bishop Kellawe in 1311, they were never going to be as tenacious a force to be reckoned with as contemporaries may have seen them to be in the late thirteenth-century. It can be contended that not only were the monks aware of this, but that it was obvious to the gentry as well. This suggests that the declining influence of the Durham gentry was deliberate on their part because the monks were plainly less of a threat on the land market in the changed conditions of the fourteenth century; the effects of warfare were likely to curtail the activities of the monastic houses and to encourage a much more aggressive relationship with the gentry to safeguard their rights in their territories. However, they were not only less of a threat, but less potent as an ally, which could explain the fact that the gentry left the monks to their fate under Bek after 1305. This brings one right back to the themes of cohesion and identity: What is being witnessed here is, in effect, a stratification in Durham society and the evidence suggests that it was not only the case that the role of the gentry in ecclesiastical relations was declining, but that both the gentry and the clergy were becoming increasingly introverted from each other, and questions of mutual identity or action as a cohesive society were much less important in the climate of the fourteenth century than ensuring basic self-preservation.



## Conclusion.

In this thesis, an attempt has been made to analyse key areas of Durham society with a view to illustrating how cohesive that society was, and how this was manifested amongst the gentry. In chapter 1, a working definition of what the 'Durham gentry' were was proposed and it was demonstrated how the period in question was important for a number of underlying reasons; not only did the country as a whole experience structural changes in how the composition of the gentry were defined, but there were also conditions particular to the north of England and to the palatinate itself. In setting Durham alongside these criteria, the evidence has shown not only that the kind of changes witnessed in the composition of the English gentry class were present within the palatinate, but, conversely, that many of the conditions peculiar to the north of England were not. Specifically, that in social terms, Durham was not significantly affected by the conditions of warfare with Scotland in this period. In financial and economic terms, warfare certainly did have an impact, and, for a brief period, it drew the higher ranking knighted nobility into the administration of the palatinate to help it cope with the requirements of protection payments. In none of these areas, however, was the legacy of warfare permanent; the rural economy recovered in the period up to the outbreak of the Black Death, and the administration returned to its standard pattern after the death of Richard fitz Marmaduke. Furthermore, in terms of landholding, the changes which can be witnessed had little to do with warfare.

In chapter 2, a discussion was made of the composition of the administration through particular reference to the episcopate of Bishop Bek. The origins, interests and wider careers of the leading figures were considered and the evidence has illustrated a number of key themes which have direct relevance to the discussion of cohesion. Attention to the witness lists has revealed the existence of a three tier system of men within the

administration, ranging from major ecclesiastical officers through to the most significant of the knighted and non-knighted gentry, and a host of lesser men. This has demonstrated not only that the administration was comprised of a wide range of men from the gentry class, but that this group of men was fluid in its interests and origins. Most of these men had what have been called transferable careers, by which it has been shown that their interests lay in other areas of the country than Durham, and that they could pursue careers in both concurrently. Specific examples have been broadened through case studies of two such men: Guichard de Charron, who identified his origins and administrative career within both the palatinate and the north as a whole, and the Yorkshire baron Brian fitz Alan, whose royal service and military career brought him to the lordship of the bishop and allowed him to forge an administrative career within the palatinate. This has done much to dispel the notion, suggested by Lapsley's work, that the administration of the palatinate was a completely separate entity, or that its officers identified their interests in isolation from the rest of the realm. Nevertheless, it is still evident that cohesion existed, but in a different sense; the one thing which gave the Durham administration its binding force was the position and prerogatives of the bishop, regardless of any debate over how extensive these prerogatives were. The bishop attracted men to his lordship from within and without the palatinate, and the potency of this lordship provided both cohesion and identity to the body they comprised.

Chapters three and four have been concerned with landholding and the lordship associated with it, with a view to illustrating a number of themes. Firstly, the conditions within Durham have been related to wider debates concerning the position and status of the gentry in the later thirteenth century and early fourteenth century and the continuing debate between historians concerning the fortunes of the gentry class in this period. This has been achieved, first, through highlighting the experience of one particular manor in the period

and tracing the changes in lordship experienced and the implications which this had for local society. In the case of the manor of Burn Toft, the decline of its thirteenth-century lord has been shown to have been a personal crisis, rather than indicative of the position of the class as a whole. Although it has been demonstrated that the direct beneficiaries of the decline of the lord of Burn Toft were local tenants and clerks and that the new lords of the manor were from a very different type of family, evidence presented for the palatinate as a whole, whilst incomplete for this period, had demonstrated great consistency in the material fortunes of the gentry class as a whole, particularly the wealthy knighted gentry, whose position within the palatinate appears to have been largely stable for a number of centuries. Newer gentry, such as the Menvills were also able to make an impact in the palatinate through service to the bishop and the active patronage of significant lay lords, although in general they experienced less longevity. When compared to the administrative picture, this has presented an interesting dichotomy, in that the landed society of the palatinate, especially the most established and distinguished families such as the Conyers, can genuinely have been said to have remained much more inward looking and closed-off from the rest of the country, unlike the administration, which was open to the influence of outside interests. In this sense, the landholding demonstrates a very different element of cohesion within that society, and in many ways a much more conventional one.

Nevertheless, landholding cannot be considered in isolation to lordship and affinity, and here, some clear parallels to the administrative study have been demonstrated. As with office-holding, there were clear associations which transacted the business of landholding, and which comprised groups of men with both horizontal and vertical links within Durham society. For this purpose, it has been possible to categorise the gentry within 'tiers' based on their territorial extent from IPMs. This has illustrated a number of clear themes about that society in this period. First, that within Durham there were clearly defined groups of

men whose interests embraced a specific geographical area of the palatinate, such as the Hiltons, Washingtons and Lumleys. Second, that various members within these groups defined their role in different ways regardless of the social tier in which they operated, some exerting a powerful role in the lordship associated with being a major landholder whilst others, such as the Conyers, characterised their position by remaining aloof; this demonstrates not only the diversity of this society, but again, how intensely localised individual interests could be when it came to land, and the lordship association with it. Third, that the relationship between land-holding and office-holding was, at best, tenuous amongst the major gentry, especially the Nevilles, whose entire position within the palatinate was based upon the lordship they derived from their position as landholders. In general, what the surviving evidence for this period has demonstrated in terms of landholding is a society that is notably stable, and a gentry community based upon the lordship of the bishop which is far more internally cohesive than the evidence for administrative affairs would appear to indicate, and in which interests were defined on a much more intensively local basis, i.e., the locality of the manors possessed, rather than by an overall identification with the palatinate as a whole.

The palatinate, however, also had a whole range of ecclesiastical relationships due to the fact that it was based on an ecclesiastical lord and his administration, and chapter 5 has attempted to consider such relationships, their development, and the extent of their influence on gentry society. An attempt has been made to place the extraordinary events of 1300 within this wider context and this has demonstrated how such a major ecclesiastical dispute was a one-off event, although wider issues of ecclesiastical authority concerning the place of the palatinate within the province of York continued to beset Durham throughout the period. This analysis has also drawn some interesting conclusions relevant to the position of the gentry. It has been noted that the gentry began to take a keen interest in the



dealings of the Priory of Durham in the thirteenth century, largely due to its increasing role in the land market, although the interest of secular society appears to have tailed off in the fourteenth century. What this serves to demonstrate, in part, are the long term indirect effects of the dispute between Bek and the priory; although secular society was happy to join forces with the monks, this was an essentially selfish affair. Once the secular society had achieved its aims in this dispute, it was largely content to leave the monks to their fate, and it has been shown how Bek's secular subjects were markedly aloof from the bishop's continued disputes with the monks after 1305. Although the pontificate of Bishop Kellawe did much to bring the relationship between bishop and priory back to normality, the monks would never again be inclined, in the long run, to risk opposing the bishop as strenuously as Prior Hoton had done. On the one hand, this made them less useful to lay society as an ally against the bishop. However, on the other hand, the increasingly insular local interests of the gentry in the fourteenth century made them less inclined to identify with the kind of causes which still concerned the monks, such as the matter of the visitation rights of the archbishop of York during a Durham vacancy, than they had been in the thirteenth century. Furthermore, the monks, unlike their lay counterparts, were heavily compromised by the effects of war because so many of their assets lay outside the palatinate, which also made them less potent a threat to the gentry both in terms of landholding and their influence in the administration; this meant that the gentry felt less of a need to be involved in matters pertaining to them. In many ways, attention to the ecclesiastical affairs demonstrates an opposite trend within the theme of cohesion because Durham society was experiencing a stratification between ecclesiastical and secular society. This, when compared to the increasingly localised interests of the gentry, has severe implications for any assessment of the notion of mutual identity, a notion which became second-place to self-interest in the first half of the fourteenth century.

Thus, how can these contrasting conclusions concerning Durham gentry society be reconciled? One could credibly ask whether they need to be. What has been attempted in this thesis has been to define the operation of Durham gentry society within these three spheres, and it is logical to assume that there would be differences between them. Nevertheless, it is possible to find a conclusion which embraces all these elements. This period has demonstrated not only the development of Durham gentry society on a number of levels, but has also illustrated a number of constant elements. This society has been shown to be both flexible and tight-knit in terms of administration and landholding, and the notions of lordship associated with both. Nevertheless, all these areas demonstrate an element of cohesion within that society, and although they reflect different notions of the theme, these can easily be reconciled because their origin was the same common factor: the position of the bishop as the holder of the liberty, and how this set Durham apart from both the north of England and the rest of the realm. It was this peculiar institutional position, rather than any notion of a microcosm of the kingdom, which gave Durham its unique position in relation to both. This accounts for the fact that, in terms of the north, the social conditions associated with war are not prevalent because of the administrative and social structures which existed to deal with the situation, and, in terms of the realm, that whilst overall trends are observed within gentry society, there are different rules for the levels of interaction amongst the higher gentry. It is less easy, however, to reconcile the stratification between ecclesiastical and secular society in this period, and it would seem difficult, by any stretch of the imagination, to argue that this demonstrates cohesion. Nevertheless, it does not necessarily imply a lack of cohesion, rather that both areas identified their interests within a smaller sphere, and this does well to remind us that, although Durham was to some degree separate from the rest of the realm and that different trends were witnessed there, talk of a specific *Durham* identity, whilst not inappropriate in itself, should be used with

caution. Although this was a distinctive and cohesive society, it was increasingly becomingly a society where the need of the gentry to defend one's own interests was more important than defending the interests of a notion of Durham society as a whole. This accounts for the fact that incidents like the desertion of the men of Durham from Edward I's war in 1297, or the revolt against Bek in 1302 were able to occur because they were examples of when individual interests largely corresponded with the majority of other interests. Simply put, the Durham identity was a notion that the gentry could appeal to when it suited their needs; the majority of their relationships in Durham society were governed by other, often conflicting, notions, and one should not allow an appreciation of the considerable cohesion which did exist in Durham society, to overshadow this.

# Appendix 1

## 1.1.1. Witness List Tables for Philip de Burntoft and the Manor of Burn Toft.

### a. Breakdown of number of witnesses in each list

A = grants to the Almoner  
 B = grants to Emmett Escouland  
 C = grants to William de Cumba  
 D = grants to William de Burntoft  
 E = grants to Ralph Baard  
 F = grants and charters to all others

	No. in each type of witness lists						Total
	A	B	C	D	E	F	
Knights							
Richard le Chancellor	3	5					8
Thomas de Herrington	3	3				1	7
Roger de Lumley	1						1
Thomas de Ryhill	1						1
Marmaduke fitz Geoffrey	1	2				1	5
Hugo de Chapelle/Capella	1	2					3
William de Fengers	1		2				3
John de Rungeton	1	1					2
Geoffrey de Parco	1	3					4
Adam de Fulthorp	1	2					3
Gilbert de Laton		5					5
William de Caune		6	3		3		12
Gilbert Hansard		3		2	3	2	10
Henry Gategang		1					1
William Kilkenny, Lord of Stotfold			1	1		4	6
Richard de Kilkenny				1		2	3
Thomas de Whitworth				1		1	2
John de Dalden					1		1
Richard de Yeland						1	1
Roger de Bernard						1	1
Ecclesiastical officers & clerks							
William de Cumba, chpl., Proc. of Elwick	5	3		3	1	3	15
Richard de Claxton, Vicar of Billingham	2						2
Ralph fitz Bertram of Wolviston, chaplain	2						2
Richard de Fuleford, chaplain	2						2
Richard de Fulthorp, chaplain	1			1			2
Richard de Middleton, clerk	1						1
Peter de Brandon, clerk	1						1
Adam de Darlington, clerk	1						1
John, Priest ( <i>famulo</i> ) of Wolviston	1						1
Robert the clerk of Durham		2		1			3
Robert de Mersey, clerk			1			5	6
Ranulph, the chaplain of Burn Toft				3		1	4
William de Elmeden, chaplain				1			1
John de Hurpath, clerk							1
Ranulph, son of Bertram, chaplain						1	1
Ralph de Bruntoft, chaplain						1	1



## 1.1.1. Witness List Tables for Philip de Burntoft and the Manor of Burn Toft.

**a. Breakdown of number of witnesses in each list, continued.**

A = grants to the Almoner  
 B = grants to Emmett Escouland  
 C = grants to William de Cumba  
 D = grants to William de Burntoft  
 E = grants to Ralph Baard  
 F = grants and charters to all others

	No. in each type of witness lists						Total
A	B	C	D	E	F		
<b>Major witnesses from amongst gentry and tenants</b>							
Henry de Haye/a	8	2				2	12
Robert de Elmeden	7	4		4	2	1	23
Ralph Bard	7	4		4		8	23
Elias Bard	6			1		3	10
Geoffrey de Eggescliffe	6					3	9
Geoffrey de Northampton	6			1			7
Henry de Horneby	5			1			6
Ralph de Cumba	3					3	6
John de Horneby	3						3
Emmett Escouland	3						3
Robert de Haya	3						3
John Shirlock	2	4	1		3	1	11
Bertram de Wolviston	2	2	2	3		2	11
Richard fitz Laurence of Wolviston	1	1	3	3		2	10
Alexander de Bidick	1	1					2
Robert de Burntoft	1	1					2
Stephen de Hoton	1		1			1	3
Bertram fitz Henry of Wolviston	1		1			1	3
Roger de la Hope of Burn Toft	1			2			3
John Ster of Wolviston	1					1	2
Eudo de Cletlum	1					2	3
Jordan de Elmeden		1		1	2		4
Robert de Caune		3				1	4
Elias de Aldacris		3					3
Simon Bard		2					2
Sylvester de Darlington		2					2
William de Sadberge		2					2
Simon de la More			4			3	7
Jordan de la More			4			6	10
Thomas de Ellwick			1			2	3
Robert Gernet of Elwick			1			4	5
John de Sumeton			2				2

## 2.1.1. Witness List Tables for Philip de Burntoft and the Manor of Burn Toft.

**a. Breakdown of number of witnesses in each list, continued.**

A = grants to the Almoner  
 B = grants to Emmett Escouland  
 C = grants to William de Cumba  
 D = grants to William de Burntoft  
 E = grants to Ralph Baard  
 F = grants and charters to all others

	A	No. in each type of witness lists					F	Total
		B	C	D	E			
<b>Minor witnesses from amongst tenants</b>								
Robert de Brunninghill	1							1
William de Darlington	1							1
Walter de Alanscheles	1							1
Alan Cuthbert	1							1
John de Hamilton	1							1
Robert de Musters	1							1
Richard de Wolviston	1							1
William de Whitby	1							1
John de Kymelsworth	1							1
Geoffrey de Hundersley	1							1
John de Eggescliffe	1							1
Walter de Selby	1							1
Thomas de Whitworth	1							1
William de Levingthorpe	1							1
John de Brafferton	1							1
Gilbert de Feyre	1							1
Walter de Feyre		1						1
Henry de Wyndegath		1						1
William de Hawthorne		1						1
Richard fitz Saeri			1					1
William 'chevaler'			1					1
Robert de Heworth					1			1
Adam de Burntoft					1			1
David de Burntoft					1			1
Henry de Belacis						1		1
Thomas fitz William de Elwick						1		1
William de Burntoft						1		1
Simon de Lamar						1		1
Henry de la Leye						1		1
Ralph de Verum						1		1
Roger de Kerice fitz Abel (?)						1		1
William Gernet						1		1
<b>Others</b>								
Ralph de Burntoft, carpenter	1							1
The Burgesses of Hartlepool	1							1
John, servant of John Shirlock		2						2
John, servant of Richard fitz Lawrence			2	1		1		4
Stephen the Gardener				1				1
Peter Plambti						1		1
Ralph .....						1		1

## b. Suggested rank order of witnesses.

Two factors have been drawn from table a. above to suggest this order. The starting factor is the total number of mentions, followed by the number of lists in which these mentions occur, the rule being that the latter value assumes precedence over the former. In practical terms this means that being mentioned four times in two different lists denotes more prominence than being mentioned four times in only one list, the former demonstrating a greater scope of interest and interaction within society. I have also worked on the assumption that where one man is ranked below another but possesses more overall mentions than the other, it would be necessary for the lower man to hold in excess of four more overall mentions in the lists than the man ahead of him in to move him ahead, and in any case only if the lower man is mentioned in only one less list than the man ahead. Where there are exceptions to this rule other factors have been considered, such as the placing of a man in the witness lists; a consistently high, or leading, placing in witness lists has also been considered a factor in ascribing relative prominence.<sup>1</sup> Furthermore, when a man is only mentioned in one or two lists, the overall number of mentions can assume greater significance but only if the difference is more than two overall mentions, the assumption being that differences of one or two overall mentions are of less significance lower down the rank order because the numbers are proportionally less than higher up the scale. This rule applies in the case of Sir Gilbert de Laton; although he is only mentioned in one type of list, he is mentioned five times overall, thus he is ranked above men with only two mentions but in two lists. Finally, with the exception of the knights, any man with less than two overall mentions has been disregarded.

Name	No. of mentions	No. of lists	Rank position
<b>Knights:</b>			
Gilbert de Hansard	10	4	1
William de Caune	12	3	2
Thomas de Herrington	7	3	3
William de Kilkenny, Lord of Stotfold	6	3	4
Richard le Chancellor	8	2	5
Marmaduke fitz Geoffrey	4	3	6
Geoffrey de Parco	4	2	7
Hugo de Chapelle	3	2	8=
Richard de Kilkenny	3	2	8=
Adam de Fulthorp	3	2	8=
William de Fengers	3	2	8=
Gilbert de Laton	5	1	9
John de Rungeton	2	2	10=
Thomas de Whitworth	2	2	10=
Roger de Lumley	1	1	11=
Thomas de Ryhill	1	1	11=
Henry Gategang	1	1	11=
John de Dalden	1	1	11=
Richard de Yeland	1	1	11=
Roger de Bernard	1	1	11=

## Ecclesiastical officers & clerks

William de Cumba, chaplain	15	5	1
Robert de Mersey, clerk	6	2	2
Ranulph, clerk of Burn Toft	4	2	3
Robert, clerk of Durham	3	2	4
Richard de Fulthorp, chaplain	2	2	5=
Ranulph, son of Bertram, chaplain	2	2	5=
Richard de Claxton, Vicar of Billingham	2	1	6=
Richard fitz Bertram of Wolviston, chaplain	2	1	6=
Richard de Fuleford, chaplain	2	1	6=

<sup>1</sup> This accounts for the placing of Richard le Chancellor ahead of Marmaduke fitz Geoffrey despite being mentioned in only two types of list, as well as the ranking of Bertram fitz Henry below Geoffrey de Eggescliffe, Geoffrey de Northampton, Simon de la More, Jordan de Elmeden and Henry de Horneby, as well as the ranking of Jordan de Elmeden behind Geoffrey de Eggescliffe and Geoffrey de Northampton and Simon de la More.

## 2.1.1. Witness List Tables for Philip de Burntoft and the Manor of Burn Toft.

## b. Suggested rank order of witnesses, continued.

Name	No. of mentions	No. of lists	Rank position
<b>Gentry</b>			
Robert de Elmeden	23	5	1
Ralph Bard	23	4	2
John Shirlock	11	5	3=
Bertram de Wolviston	11	5	3=
Richard fitz Laurence of Wolviston	10	5	4
Henry de Haye	12	3	5
Elias Bard	10	3	6
Jordan de la More	10	2	7
Geoffrey de Eggescliffe	9	2	8
Geoffrey de Northampton	7	2	9=
Simon de la More	7	2	9=
Jordan de Elmeden	4	4	10
Henry de Horneby	6	2	11
Bertam fitz Henry of Wolviston	3	3	12=
Stephen de Hoton	3	3	12=
Ralph de Cumba	6	2	13
Robert Gernet of Elwick	5	2	14
Robert de Caune	4	2	15
Eudo de Cletlum	3	2	16=
Roger de la Hope of Burn Toft	3	2	16=
Thomas de Ellwick	3	2	16=
Alexander de Biddick	2	2	17=
Robert de Bruntoft	2	2	17=
John Ster of Wolviston	2	2	17=
Emmett Escouland	3	1	18=
John de Horneby	3	1	18=
Robert de Haya	3	1	18=
Elias de Aldacris	3	1	18=
Simon Bard	2	1	19=
Sylvester de Darlington	2	1	19=
William de Sadberg	2	1	19=
Robert de Burntoft	2	1	19=
John de Sumeton	2	1	19=

A typical charter could therefore contain:

- Sir Gilbert Hansard, Sir William de Caune, Sir Thomas de Herrington, Sir William de Kilkenny, Lord of Stotfold, Sir Richard le Chancellor, Sir Marmaduke fitz Geoffrey, *militibus*;

- William de Cumba, chaplain; followed by one or two from Robert Mersey, clerk, Ranulph, clerk of Burntoft, Robert, clerk of Durham, and possibly another clerk of chaplain;

- Robert de Elmeden, Ralph Bard, John Shirlock, Bertram de Wolviston, Richard fitz Laurence of Wolviston, Henry de Haye, Elias Bard, Jordan de la More, Geoffrey de Eggescliffe and Geoffrey de Northampton from amongst the local gentry.

- With a possible combination of names from the list of Simon de la More, Jordan de Elmeden, Henry de Horneby, Bertram fitz Henry of Wolviston, Stephen de Hoton, Ralph de Cumba, Robert Gernet of Ellwick, Robert de Caune, Eudo de Cletlum, Roger de la Hope and Thomas de Ellwick



## 1.1.2. Witness List Tables for the Manor of Burn Toft from c.1300 - c.1335

## a. Breakdown of number of witnesses in each list

A = charters involving the new Lords of Burn Toft

B = charters involving the family of William de Elmeden

C = charters involving the heirs of Ralph de Cumba

D = charters from Alexander de Burntoft and his son, Simon, to William Todd of Hartlepool

E = miscellaneous charters to others

	No. in each type of witness lists					Total
	A	B	C	D	E	
<b>Knights</b>						
William de Kilkenny, Lord of Stotfald	2		2	2	2	8
(?) Richard Harpyne		1			2	3
Leo de Claxton			1		2	3
<b>Ecclesiastical Officers and clerks</b>						
Ralph de Burntoft, Vicar of Haltwhistle			1			1
Ranulph, chaplain				1	1	2
Walter Bonevill, Rector of St. Lady Mary in Dalton				1		1
<b>Gentry and tenants</b>						
Walter de Burntoft	1	1	1	2	1	6
Richard de la More	1					1
Simon de la More	1					1
Richard du Park	1					1
Roger de Claxton	1					1
Roger de Blakestone	1					1
Robert Gernet		2	2	2	4	10
Robert Gernet, the younger				1	2	3
William, son of John, Lord of Burn Toft		1		4	1	6
John, son of William, son of Peter, Lord of Burn Toft		1		3	2	6
Stephen de Ellwick		1		1	1	3
Ralph de Cumba		1		1		2
Simon de Burntoft		1				1
Ralph Gernet		1				1
Gilbert de Burntoft			1			1
Simon fitz Alexander of Burn Toft			1			1
Stephen Abell			1	1		2
Thomas Gernet				1	4	5
Walter Nepote				2		2
Richard Masun, Lord of Tunstall				1		1
Andrew de Burntoft, of Hartlepool				1		1
Richard de Ster of Wolviston					2	2
John, son of Richard de Ster of Wolviston					2	2
William fitz Hugh of Burn Toft					1	1
Simon de Burntoft					1	1
Ralph de Coumbe					1	1
Robert Grethed					1	1
William de Cluford/Clifford					1	1
Roger de Fulthorp					1	1
Peter de Brakenbury					1	1
Gilbert de Wolviston					1	1
Robert Ayr of Wolviston					1	1
John de Benlu of Wolviston					1	1

## a. Breakdown of number of witnesses in each list, continued.

	No. in each type of witness lists					Total
	A	B	C	D	E	
Richard de Hoton					1	1
John de la Hay					1	1
John de Belassie					1	1
Thomas de Gretham					1	1
Ralph de Inbe					1	1

## b. Exceptional witness lists

DCM 182 (fourteenth century)

Sir Richard, son of John fitz Marmaduke  
 Sir Robert Hansard  
 John de Durham, clerk  
 Robert, Lord of Eppleton  
 Roger de Fulthorp  
 Alan de Langeton  
 Richard del Parks  
 Bernard de Thortanton

DCM 192 (given at Durham, 15 April, 1326)

Sir Geoffrey de Scrope  
 Sir William de Kilkenny, Lord of Stotfoald,  
 John de Coumbe  
 William de Coumbe  
 John de Hainby, sheriff of Durham  
 Adam de Bowes  
 Thomas Surtays  
 Henry de Langton  
 Roger de Fulthorp  
 William de Waleworth  
 John de Meinill  
 Leo de Claxton  
 John, Lord of Burntoft  
 Walters of Burntoft  
 John de Eggescliffe  
 John, called 'ferour'

c. Suggested rank order of witnesses from leading gentry figures and tenants.<sup>2</sup>

Name	No. of mentions	No. of lists	Rank position
Robert Gernet	10	4	1
Walter de Burntoft	6	5	2
William, son of John, Lord of Burntoft	6	3	3=
John, son of William, etc, Lord of Burntoft	6	3	3=
Leo de Claxton	3	3	4=
Stephen de Ellwick	3	3	4=
Thomas Gernet	5	2	5=
Robert Gernet, the younger	3	2	6
Ralph de Cumba	2	2	7
Richard de Ster of Wolviston	2	1	8=
John, son of Richard de Ster of Wolviston	2	1	8=
Walter Nepote	2	1	8=

<sup>2</sup> Composed using the same criteria as Appendix 3.1, Table B., above.

# Appendix 2

## 2.2.1. Tier 1: Major Gentry Families, c.1310 – c.1370

**Table 1. Individual Family Breakdown**

Family	Present c.1350	Present c.1370	State of Holdings
Neville	√	√	Growth
Hilton	√	√	Stable
Lumley	√	√	Growth
Conyers	√	√	Stable
Greystoke	√	√	Stable
Farnacres	√	Dies 1360	Stable
Birtley	√	√	Growth
Menvill	√	Dies 1372	Growth
Claxton	√	√	Growth
Gray	√	√	Growth
Surtees	√	√	Growth
Eure	√	√	Stable

**Table 2. Survival and Death Rates up to c.1350 and c.1370**

	Up to c. 1350	Up to c. 1370
Survival Rate	100% (12)	83% (10)
Death Rate	0% (0)	17% (2)

**Table 3. Fluctuation in Family Lands up to c. 1350**

	All Families	
Growth in Holdings	58% (7)	
No Change in Holdings	42% (5)	
Decline in Holdings	0% (0)	

## 2.2.2. Tier 2: Substantial Gentry Families, c.1310 – c.1370

Upper level.

Family	Present c.1350	Present c.1370	State of Holdings
Howden	√	√	Decline
Denum	Dies c.1330		Unknown
Whitworth	√	√	Decline
Kilkenny	√	√	Stable
Harpin	√	Dies 1351	Stable
Applynden	√	√	Stable
Bermeton	√	√	Growth
Birden	√	Dies 1363	Decline
Mordon	√	√	Growth
Birtley	√	Dies 1366	Decline
Tailboys	√	√	Stable
Burdon	√	√	Growth
Vavasour	√	√	Stable
Lambton	√	√	Stable
Washington	√	√	Stable
Carowe	√	√	Stable
Elmedon	√	√	Stable
Brakenbiry	√	√	Stable
Guildford	√	Dies 1350	Decline
Felton	√	√	Stable

Table 2. Survival and Death Rates up to c.1350 and c.1370

	Up to c. 1350	Up to c. 1370
Survival Rate	95% (19)	79% (15)
Death Rate	5% (1)	21% (4)

Table 3. Fluctuation in Family Lands up to c. 1350

	All Families	Surviving Families
Growth in Holdings	15% (3)	16% (3)
No Change in Holdings	55% (11)	58% (11)
Decline in Holdings	25% (5)	26% (5)
Unknown	5% (1)	0% (0)



## Lower level – Families with single IPMs.

	1325 – 1349	1350 – 1369	
Family	Heir & IPM Year	Family	Heir & IPM Year
Merley	M – 1326	Heron	F – 1350
Ridell	F – 1327	Lestelles	F – 1350
Colleye	M – 1335	Denum	F – 1351
Hoton	M – 1335	Maners	M – 1355
Gra	M – 1336	Darcy	M – 1355
Oxenhale	M – 1337	Butterwick	F – 1356
Merley	M – 1338	Megre	F – 1358
Hexham	M – 1339	York	F – 1359
Bradwood	F – 1339	Essh	M – 1360
Heley	M – 1346	Brunninghill	M – 1360
Ludworth	M – 1347	Gourlay	M – 1361
Henknoll	F – 1349	Bruce	M – 1361
Hall	F – 1349	Burton	M – 1361
Redheugh	F – 1349	Dacre	M – 1361
Langton	F – 1349	Randolf	F – 1361
		Binchestre	M – 1362

Table 2. Survival and Death Rates, 1325-1349, 1350-1369, 1325-1369

	1325 – 1349	1350 – 1369	Overall: 1325 - 1369
Survival Rate	60% (9)	56% (9)	58 % (18)
Death Rate	40% (6)	44% (7)	42% (13)

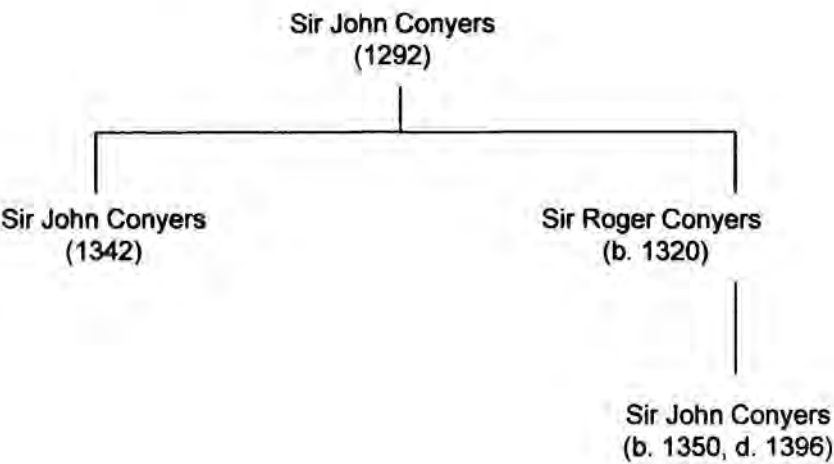
## 2.2.3. Combination of Tier 1 and Tier 2 figures for Survival and Death Rates

	Up to c. 1350 (1)	Up to c. 1350 (2)	Up to c. 1370
Number of families	47	63	63
Survival Rate	85% (40)	89% (56)	78% (49)
Death Rate	15% (7)	11% (7)	22% (14)

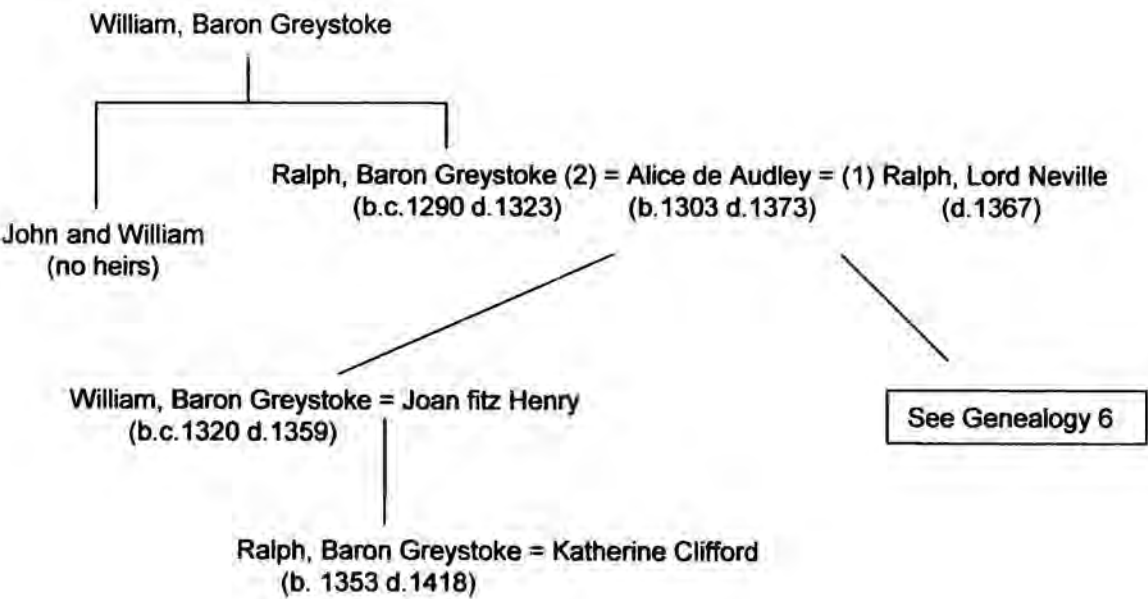
(1) These figures produced by a combination of all families for which an IPM exists before 1350.

(2) These figures produced by a combination of the above, and all families from c.1350 – c.1369 because all these later IPMs occurred between 1350 and 1361 and all men contained can be proven to have been alive prior to 1350

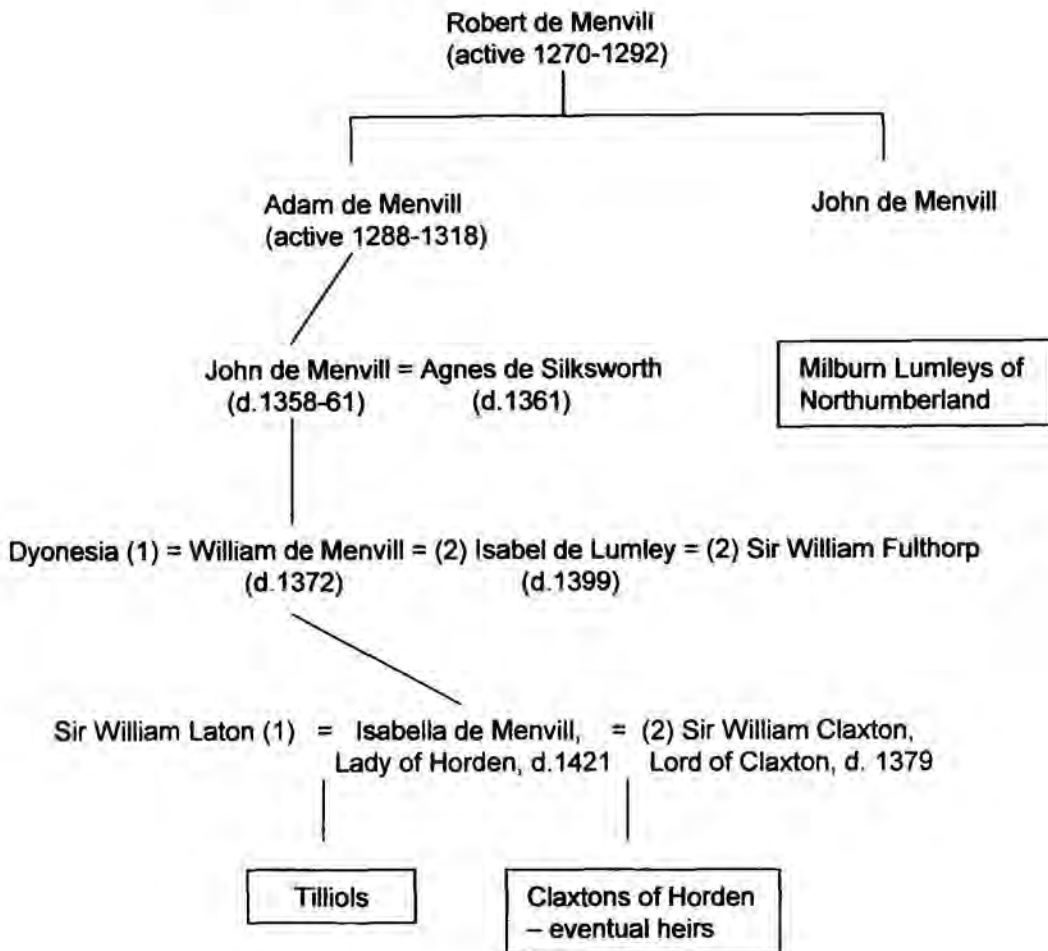
Genealogy 1. Conyers



Genealogy 2. Greystoke

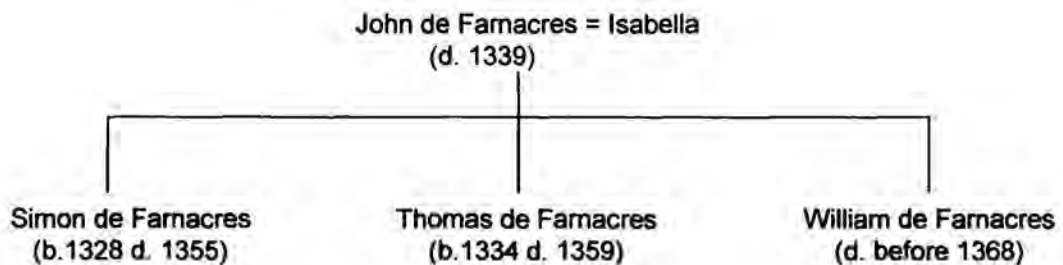


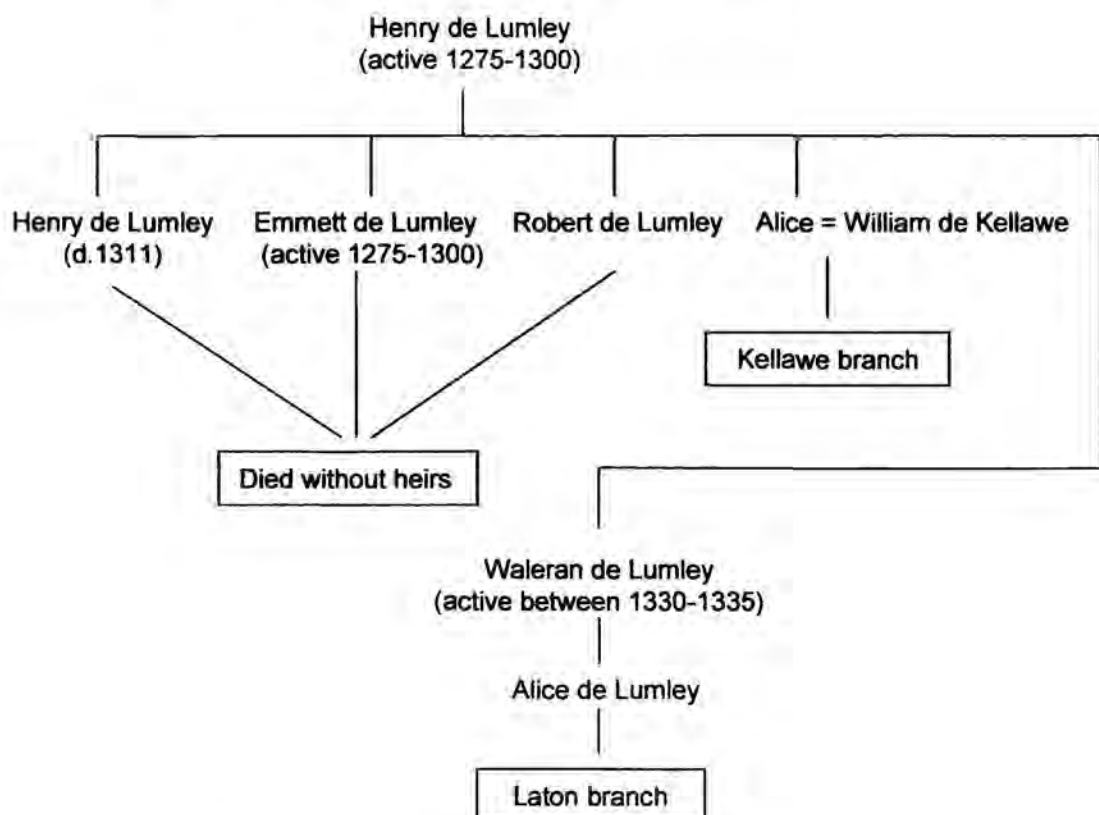
### Genealogy 3. Menvill<sup>1</sup>



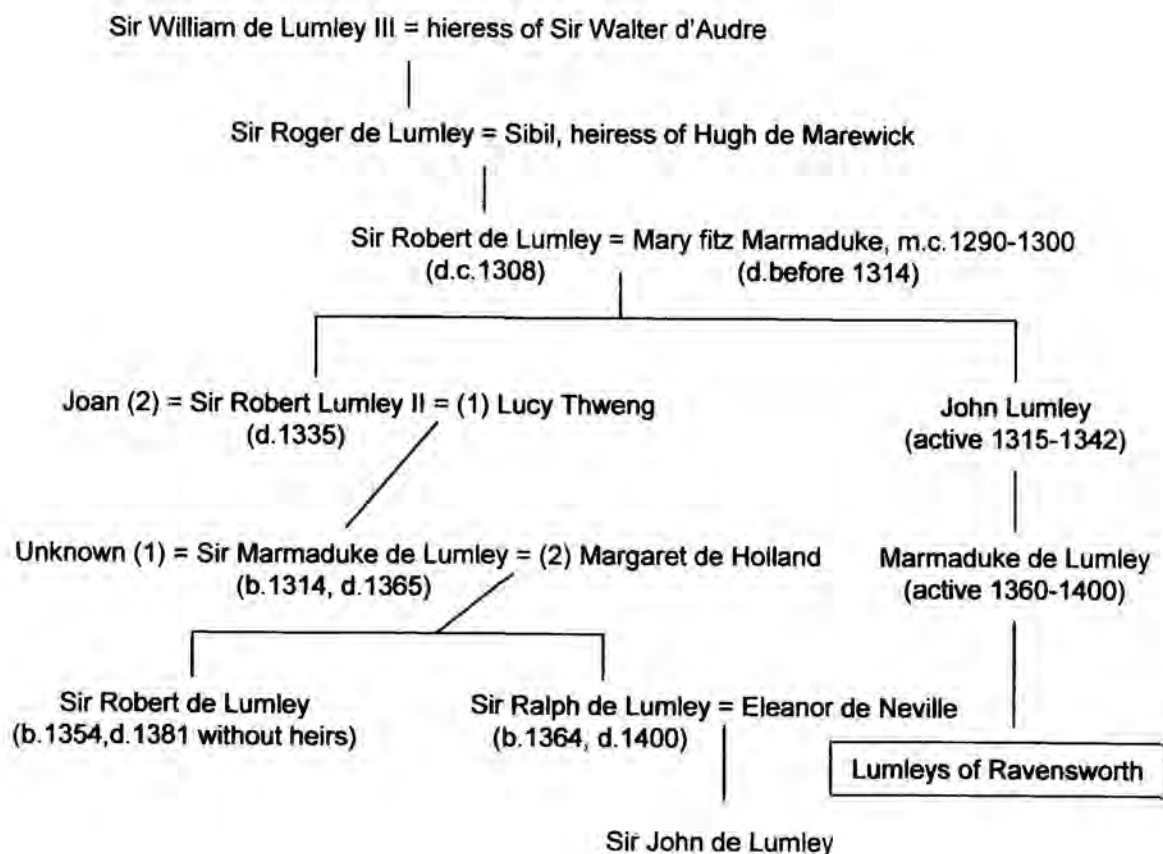
<sup>1</sup> I am indebted to Brian Barker's genealogy for parts of the information which appears here, cf. Barker, *Claxtons*, p. 247

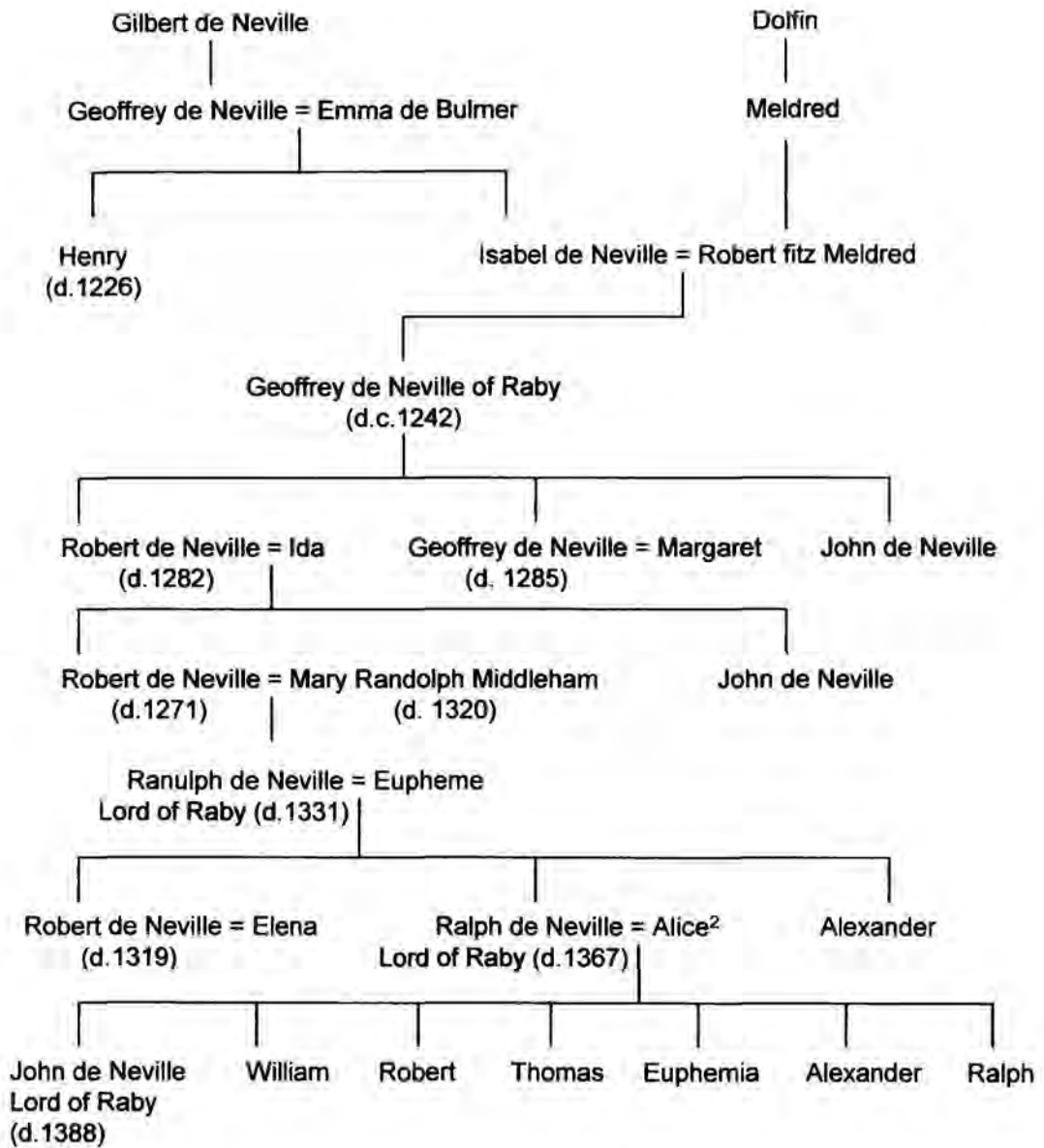
### Genealogy 4. Farnacres





## ii. Senior Line





<sup>1</sup> Reproduced, in main with revisions, from C. Young, *The Making of the Neville Family, 1166-1400*, Woodbridge, 1996, pp. x-xi

<sup>2</sup> See Genealogy 2



## Appendix 4

### Selected ecclesiastical grants and charters.

The following selection contains most of those grants or charters mentioned in chapter 5 which refer to a witness list and a selection of those charters which refer to the relationship between the bishop and the prior.. It is intended to be mainly illustrative and is by no means exhaustive and many examples have been omitted because they are adequately elaborated in the text of the chapter. It also contains documents extra documents to be used in a future paper on the subject of ecclesiastical relations. All documents are from DCM.

#### Abbreviations:

b.	<i>bishop</i>
p.	<i>prior</i>
c.	<i>convent</i>
sh.	<i>sheriff</i>
st.	<i>steward</i>
r.	<i>reeve</i>
pr.	<i>proctor</i>
FPPA.	<i>free, pure and perpetual alms</i>

RM	<i>Richard Marsh</i>
NF	<i>Nicholas Farnham</i>
WK	<i>Walter Kirkham</i>
RS	<i>Robert Stichill</i>
RHI	<i>Robert of Holy Island</i>
AB	<i>Antony Bek</i>
RK	<i>Richard de Kellawe</i>
LB	<i>Louis de Beaumont</i>
RB	<i>Robert de Bury</i>
TH	<i>Thomas Hatfield</i>

HD	<i>Hugh de Darlington</i>
RH	<i>Richard Hoton</i>
GB	<i>Geoffrey de Burdon</i>
WC	<i>William de Couton</i>

Conf.	<i>confirmation</i>
Ind.	<i>indenture</i>

⊕ **3.2.Pont.15a/Cart. II ff. 237v-238r/Cart. III ff 219v-220r**

- Conf. by AB of grant by Sir Thomas Herrington to RH, p. and the c. of Durham of manor of Houghall with all appurtenances in FPPA
- Witnesses: **(original)** Master William de Saint Botolph, seneschal, Sirs Guichard de Charron and Peter de Thoresby, justices; Sirs Gilbert Hansard, Robert de Hilton, John fitz Marmaduke, William de Laton, knights; William de Kellaw, Alexander be Bydick, Roger de Hess, Robert de Hoton, John Shirlock, John Bille, William de Suthwick and others.
- Witnesses: **(AB's conf.)** Robert Burnell, B. of Bath and Wells, Lord William de Hambleton, archdeacon of York, Sir Peter de Mauley and Sir Richard Waldegrave, knights, Richard de Overton, clerk, Walter de Borton and Robert de Barthelby, clerk, and others
- Dated: Pickering, 28 August 1292

⊕ **4.3.Pont.4**

- Grant by AB to RH, p. & the c., of free warren in Westoe and Wardley – with fine of £10.
- Witnesses: Sir Ranulf de Nevill, Sir Gilbert Hansard, Sir John son of Marmaduke, knights, and Masters William de St. Botolph, steward, Peter de Thoresby, Thomas de Levesham, Adam de Driffeld, and others.
- Dated: Nassington, 14 November, 1291

⊕ **MC 6415/Reg. I. ii., f. 42**

- Conf. by pr. & c. of Durham of grant by AB to Richard de Coxhoe, clerk, of 60 acres of waste near Tursdale.
- Witnesses: **(as MC 6414, original)** Master William de St. Botolph, steward, Thomas de Levesham, Peter de Thoresby, clerks, Sirs Guichard de Charron, Robert de Hilton, John fitz Marmaduke, Gilbert de Heworth, knights, William Pollard, Walter de Bermeton, Walter de Rothbury, Thomas Chancellor, John de Bradwood, William Hammond, and many others
- Dated: conf. dated 18 January, 1294; original dated 10 December 1293

⊕ **MC 6416/Reg. I. ii., f. 30r-v**

- Conf. by p. & c. of Durham of grant by AB to Richard de Coxhoe, clerk, of 80 acres of waste near Tursdale.
- Witnesses: **(as MR 6415, above).**
- Dated: conf. dated 16 December, 1298; original dated 26 October 1298

⊕ **2.1.Pont.12a**

- Grant of NF to Bertram, p. & c of Durham, 100 acres of wood at Bearpark in FPPA.
- Witnesses: Lord John de Rumeseye, Masters Odo de Kilkenny and William de Manefeld, Lords John Gylet and Martin of Holy Cross, Lord Robert of St. Albans, chaplain, and Lord Roger of Winchester, chaplain, Adam de Bradeles and Laurence of Pontop, the then foresters, Richard Basset, clerk and others.
- Dated: Stockton – Feast of St. Laurence [10 Aug/17 Oct] 1248.

### ⌘ 3.2. Pont. 7a.

- Conf. of 2.1. Pont. 12a and 13 by WK b. of Durham.
- Witnesses: Lord/Sir William de Middleton, then seneschal to the b., Sir Marmaduke fitz Geoffrey, Sir William Basset, Sir Eudo de Punchardun and Sir Richard de Yeland, knights, Adam de Bradell, William de Levingthorp, John de Bradell, William Pollard, William of Shildon, Thomas de Fishburn, William de Huddleston, clerk, and others.
- Undated.

### ⌘ Cart. I. fo 92<sup>R</sup>

- Grant by WK to HD, p. & c., to enclose Muggleswick and create a park there.
- Witnesses: John Balliol, Robert Nevile, Marmaduke son of Geoffrey and William de Fengers, knights; Master Robert of St. Agatha, archdeacon of Durham; Master William of Merrow; Master Roger of Seaton; John Gylet of Egglescliffe, steward; John 'le Bolse'.
- Dated: Bishop Middleham, 1 January 1260

### ⌘ 4.3. Pont. 1a

- Grant of WK to Bertram of Middleton, p. & c. of Durham, of free warren in their wood of Milneside and their parks of Aycliffe, Ferryhill, Rainton and Heworth. Fine of £10 for anyone entering the wood or parks to hunt.
- Witnesses: Sir William de Middleton, steward, Sir Marmaduke fitz Geoffrey, Sir William Basset, Sir Eudo de Punchardun and Sir Richard de Yeland, knights, Adam de Bradeley, William de Levingthorp, John de Bradeley, William Pollard, William de Shildon, Thomas de Fishburn, William de Huddleston, clerk, and others.
- Undated.

### ⌘ 3.2. Pont. 13

- Grant by WK to HD, p. & the c. of Durham of 216 acres of wood and waste at Horsleyhope.
- Masters William de Merewe, Roger de Sayton, Geoffrey de St. Agatha and Robert de Kirkham; Sirs Robert de Neville, Gilbert Hansard, Marmaduke fitz Geoffrey, Thomas de Herrington, Philip de Leya, Richard Harpin, Roger de Eppleton, Adam de Fulthorp and Geoffrey de Parco, knights; *dominis*, John de Egglescliffe, steward, Peter de Bramdon, John de Bel, John of London, chaplain, and Geoffrey de Elm', clerk; Robert de Kirkham, Geoffrey de Egglescliffe, Walter of Ludworth, Robert of Haswell, Geoffrey de Northampton, John de Holneset, sergeant/servant, and others.
- Dated: Riccall, 13 July 1260

### ⌘ 4.2. Pont. 1

- Conf. by RS to HD, p. & the c. of Durham of Bearpark wood, granted by NF and RS, with Cruketon field and the moor at Ivesmoss, for the construction of a *palatium*. Rights of enclose included, penalty of £10 for illegal entry. Right to enclose lands held by p. of Finchale if acquired.
- Witnesses: Sir Robert Neville Sir Marmaduke fitz Geoffrey, Sir Richard Thweng, Sir Roger de Lumley, Sir Walter de Luworth, knights, and others.
- Dated: Durham, 25 December 1267

⌘ 4.2. Pont. 2

- Ind. by RS, grant of 1300 acres of wood, and 240 acres of waste at Muggleswick, Deusham and Horsleyhope, including a cow-pasture at the latter and rights of enclosure throughout, in order to fulfil a promise made by RP in '*Le Covenit*'.
- Witnesses: Sir Robert Neville, Sir Gilbert Hansard, Sir Marmaduke fitz Geoffrey, Sir Thomas de Herrington, Sir Richard le Chancellor, seneschal, Sir Hugh de Capella, Sir Gilbert de Laton, Sir Roger of Eppleton, and many others.
- Undated.

⌘ 4.3. Pont. 3

- Grant by RHI to RC, p. & the c. of Durham, of free warren in Billingham and Billinghamshire and lands, woods, moors and pastures in their manor of Old Elvet, except for a bank of the wear from Shincliffe to Tursdale and any lands in the forest of the b. Penalty of £10 for illegal entry or theft.
- Witnesses: Sir Guichard de Charron, seneschal, Sir John fitz Marmaduke, Sir Roger de Lumley and Sir William de Laton, knights, Masters Alan of Easingwold, Robert Avenel, Peter de Thoresby, Thos. de Levesham and others.
- Dated: Darlington, 3 October 1278

⌘ 4.2. Pont. 3

- Grant by RHI to p. & c. of Durham in FPPA of one toft and 2 acres in Meldon, formerly granted by RS to Sir Roger Bertram, with the advowson of the church of Meldon.
- Witnesses: Sir Robert de Neville, Sir Guichard de Charron, steward, Sir Thomas of Herrington, knights; and Masters Alan of Easingwold, Alexander of Allerton, Robert Avenil' and Robert de Driffild, and others.
- Undated.

⌘ 4.2 Pont. 2

- Ind. of RB, to fulfil promise of RP in *Le Covenit* to grant 1300 acres of wood, 140 acres of waste in Muggleswick, 100 acres of land in Deushelm and Horsleyhope and a cow-pasture in Horsleyhope.
- Witnesses: Sirs Robert de Nevill, Gilbert Hansard, Marmaduke fitz Geoffrey, Thomas de Herrington, Richard le Chancellor, steward, Hugh de Capella, Gilbert de Laton, Roger of Eppleton and many others.
- Undated.

### ⊕ 4.3 Pont. 5a & 5b

- Grant by RK to p. & c. of free warren in their demesne lands in 24 vills, as long as these are not within the b.'s forest. Fine of £10 for anyone entering them to hunt.
- Witnesses: Sir Robert de Clifford, Sir Ralph, son of William, Sir Robert de Hilton, Sir Richard Marmaduke, Sir Walter de Wessington, Sir Thomas de Whitworth, knights, Master John de Insula, Dominis Adam de Middleton, Thomas de Fishburn and others.
- Dated: Middleham, 17 Dec 1311

### ⊕ 1.6.Pont.1a.<sup>1</sup>

Letters of Richard [Kellaw] b. of Durham giving protection in times of vacancy of the priorate to the sub-p. and monks of Durham. The b. relates that on the death of Richard de Hoton, p. of Durham, the vicar-general and other officers of b. Antony [Bek], on their own authority and that of the b., removed the sub-p. and all other monastic officials from their posts, recalled monks from the priory's cells and in other ways acted contrary to the established liberties of the sub-p. and chapter, to whom belong all the spiritual and temporal powers of the p. when there is a vacancy. In order that such happenings may not become a precedent the b. revokes and nullifies them insofar as they are contrary to the monks' established liberties, and orders that in future times of vacancy the sub-p., in consultation with the monks, is to administer the spiritual and temporal powers of the priorate. In order to obtain custody the b. may in future vacancies send to the priory, and exact maintenance for, only 1 clerk, 3 other men and 3 horses.

Dated: At his manor in Auckland. 12 November 1311

### ⊕ 2.2 Pont. 10

- Letters of RK to p. & c. granted private fishery and right to fish in the Wear from Elvet bridge to Framwellgate brige, due to the molestations suffered at the hands of the constable and castellans of the caste.
- Witnesses; Sir Ralph fitz William, Sir Robert de Hilton, Sir Richard Marmeduke, Sir Thomas de Whitworth, knights, Thomas de Fisheburn, Roger de Fulthorp, William de Mordon, and others.
- Dated: Richcall, 13 January 1313

### ⊕ 1.5 Pont. 11<sup>2</sup>

- List of tenants of the p. of Durham and men arrested on the p.'s land who were imprisoned by the sheriff of Durham or the bailiff of the b. of Durham and delivered to the p.'s bailiff or steward or coroner for judgement in the p.'s court at various dates from 1305 to Pont. Bishop Hatfield 36 [1380-81].
- Richard Hett [?quite faded], tenant of the p. arrested by the king's bailiff and delivered to the p.'s bailiff - 1305.
- William Curras of the p.'s fee [?] arrested by the king's bailiff [? Not sure due to damage, seems reasonable given the date] and delivered to the p.'s bailiff - 1307

<sup>1</sup> This document is reprinted from the entry in the Pontificalia calendar in 5 The College. (Muniments of The Dean & Chapter of Durham, Magnum Repertorium Draft Calendar, Vols. II & III, Pontificalia, 1994)

<sup>2</sup> Transcript.



- Hugo de Idreton of the p.'s fee captured by the b.'s sheriff William de Wallew[orth?] and surrendered to the p. in the 12<sup>th</sup> year of Louis b. of Durham Monday next, after the feast of the Blessed Mary in winter. [Must mean *conceptio* on 8 Dec - Monday 11 December 1328]
- Gilbert de Derwent and John son of Peter [captured by] the b.'s sheriff William de Walleworth, made over to the p. in the 12<sup>th</sup> year of Louis B. of Durham, Monday after the feast of the Blessed Mary. [11 Dec 1328 again? Could be any of the saint days for the BVM in 1328/29]
- John de Hardwick of Wolveston, tenant of the p., surrendered by William de Walleworth, sheriff of Durham, to satisfy the community of the Priory, to John Beffhenden, coroner of the p., in the sixth year of the pontificate of Lord Louis, the Monday after the feast of St Rynabe. [?1321-22]
- Geoffrey le Marshal, tenant of the p., surrendered by William Walleworth to the court of the p. for judgment, 6<sup>th</sup> year of Louis, the Monday after the feast of the translation of St Phome. [1321-22]
- Ranulph fitz William, r. of Shoreborth, surrendered by the sheriff of Norham to Simon de Esshe, bailiff of the p. – 7<sup>th</sup> year of Lodowya [1322-23]
- John Wydowson, surrendered to the p.'s court for felony against \*\*\*\*\*, 1<sup>st</sup> year of Richard de Bury. [1345-46]

#### ⊕ 2.4 Pont. 9

- Ind. between Robert de Maners, sh. of Norham, and Simon de Esh, st. of p. testifying that Richard, son of William, r. of Shoreswood, arrested at Norham for theft of 24 sheep and 24 lamps from Robert Stagman at Norham, claimed by Esh for p.'s court. LB ordered Maners to comply
- Witnesses: Sir Robert de Horncliffe, Thomas son of Sir Thomas Gray, Robert de Haggerston, William de Preston, John de Chilton, Richard de Clifford and others.
- Dated: Norham – 23 January, 1331/2

#### ⊕ 1.5 Pont. 6<sup>3</sup>

- Copy of a writ addressed by Richard Bury, b. of Durham, to John de Menvill, sheriff of Durham stating that it was agreed between B. Richard Poore and the p. of Durham that all incomes from pleas dealt with in the b.'s court but originating from the p.'s land or fee should be divided equally between the b. and the p., and that the present p. of Durham had protested that since John de M. became sheriff the p.'s share of such incomes has not been paid. The b. orders that John pay the p. what is owing to him, both at the present time and in the future.
- Dated: At his manor of Auckland – 10 February 1342

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<sup>3</sup> As fn. 1, above.

#### ⊕ 1.14.Pont.15<sup>4</sup>

- Public instrument issued by Stephen de Pinu, abbot *secularis ecclesie Dauratensis...* [Dorat, or le Dorat, according to A. Fayen, *Letters de Jean XXII* (Paris, 1908) vol. II, p.822.], diocese of Limoges, and vice-auditor of the court of the Apostolic Camera, recording that Master Richard de Bynteworth, D.C.L., canon of Auckland and proctor of Louis [Beaumont] b. of Durham, and Nicholas son of Rayner Peruzzi, citizen of Florence and proctor of a number of named merchants of Florence and associates of the Perutti company, have appeared before him and that Peruzzi, in accordance with a promise made on 29 December 1332, has on behalf of the Peruzzi company acknowledged that B. Beaumont and Geoffrey (sic), p., and the convent of Durham have repaid the loan of £2,000 sterling which had been made to them by the Peruzzi company.

Dated: At Avignon, in the papal palace.

20 February 1333 and Pont. John XXII 17

#### ⊕ 1.8.Pont.5

- Mandate of Master Alan de Neusum, official in the b.pric of Durham *sede vacante* of William [Greenfield] Archbishop of York, concerning the absolution from excommunication of Henry de Stamford, recently sub-p. of Durham. Recites:

- Mandate of William [Greenfield], archbishop of York and papal legate, to master Alan de Neusum, the archbishop's official of Durham *sede vacante*, to publish the absolution of Henry de Stamford, lately sub-p. of Durham, from sentence of excommunication imposed on him by the archbishop for hindering the official and the rest of the archbishop's ministers from freely exercising the archbishop's jurisdiction in the city, church, and diocese of Durham during the vacancy of that see.

- Dated: Burton near Beverley [Bishop Burton], 7 April 1311.

#### ⊕ 1.12.Pont.15

Copy of an appeal to Rome made by the proctor of the P&C of Durham, who protests that he does not intend to recognise the authority of Master John de Malton, who has been appointed by the Dean and Chapter of York (the see of York being vacant) as official for the vacant see of Durham, and that jurisdiction over the diocese of Durham *sede vacante* belongs to the p. & c.

- Undated, but c. October 1316

#### ⊕ 1.12.Pont.16

- Letters close of Robert [Pickering], dean, and the chapter of York, as administrators of the jurisdiction of the diocese and province of York *sede vacante*, informing the P&C of Durham that they have appointed Master John de Malton, rector of half of the church of Treswell [Nottinghamshire], as their official for the vacant see of Durham, and asking the p. & c. to co-operate with Malton.

- Dated: York, 20 October 1316

<sup>4</sup> This, and the next three entries, as fn. 1, above.

### ⊕ 1.12.Pont.2<sup>5</sup>

- File originally of three membranes...The contents of the file concern the P&C of Durham's efforts to prevent W[illiam Melton] Archbishop of York from conducting a visitation of their appropriated churches in Howdenshire and Allertonshire, and the following items are included:

1. A copy of an appeal to the pope on behalf of the P&C of Durham against the archbishop's attempt to visit in Howdenshire and Allertonshire, publicly read in Durham Cathedral by Master John de Beyinghill', acting for John de Stapilton, the P&C's proctor, on the Wednesday after the feast of St Michael the Archangel, viz. 3 October 1324.

2. A draft of a notarial instrument recording that on October 2...1324, in York Minster, a tutorial appeal was made on behalf of the P&C of Durham by Master John de Bekyngham, clerk, acting for Gilbert de H..., proctor of the P&C of Durham.

Witnesses: Masters John de Hirlawe, John de Bekyngham, Thomas de Cavo, William of Durham and John de Claustro.

Notary: Hugh called Palmer of Corbridge, clerk of the diocese of Durham (certificate only, no notarial sign).

3. A draft of a notarial instrument recording the making of an appeal against the archbishop's visitation by a representative of the p. & c. of Durham.

Witnesses: Ds. William [de Sherburn], rector of Washington, Master Richard de Askeby, rector of half of Aikton, diocese of Carlisle, and (name illegible), vicar of Whiston, diocese of York.

[1324]

### ⊕ 2.8.Pont.1(g)<sup>6</sup>

- Copy of a tutorial appeal made by William [of Couton], p., and the convent of Durham against any possible action by William [Melton] Archbishop of York or his deputies that might prejudice the p. & c. of Durham's rights in the matter of visitation. It is stated that the p. & c. intend to allow a visitation of their priory by Master William de Albirwyk, D.D., chancellor of York and Master Robert de Nassington, D.C.L., D.Cn.L., precentor of York, deputed to visit by the archbishop, only if the visitation is in accordance with the *Debent* of Boniface VIII.

- Undated [1333-40, the only vacancy of the see of Durham during this period being late in 1333]

<sup>5</sup> As fn. 1, above, but with some cuts

<sup>6</sup> This, and the next document, as fn. 1, above

### ⊕ 1.12.Pont.11

- Letters of William de Nassington, canon of Exeter Cathedral and one of two commissaries (Master John de Burton, rector of Sigglesworth, diocese of York [East Riding], being the other) appointed by William [Zouche], Archbishop of York and papal legate, *sede Dunelmense vacante*, to visit Durham Cathedral, certifying that it is no part of his intention in his forthcoming visitation to establish any precedent prejudicial to the rights of the P&C, and that it is on this understanding that the P&C have agreed to his visitation in spite of the very short notice given them.
- Dated: Durham. 26 April 1345

### ⊕ 2.8.Pont.1(a)

- Appeal by John of Barnard Castle, pr. of p. & c., to Rome & York, due to fear of attack on p. & c.
- Witnesses: Thomas de Lund, sub-p. of Durham, John de Butterwick, almoner of Durham, William de Killingworth, feretrar of Durham, John de Barneby, third p. of Durham, Master William de Kellawe, clerk, William de Sweethope, Thomas Gategang, Thomas Richoure and others. Notary: Hugh, called Palmer, of Corbridge.

### ⊕ 2.8.Pont.1(e)

- Revocation of sequestration of churches of Aycliffe, Heighington, Merrington, Middleham, Pitlington, Jarrow, Monkwearmouth, Whitworth and Witton Gilbert by LB and absolution of anyone under sentence of excommunication for having violating it.
- Witnesses: Masters John de Bekingham, John de Hirlawe, Thomas Ive, Richard Dayvill and John de Hanlakby, and many others, clerks and lay. Notary: Hugh called Palmer of Corbridge.
- Dated: 29 March 1324

### ⊕ 3.6.Pont.8a.

- Judgement of Richard of Eryholme, canon of York, and Wm. de Whickham, rector of Staindrop, in favour of right of p. & c. to 20 named churches and annual pension of 4 marks from Castle Eden.
- Dated: Durham. 9 June 1325.

### ⊕ 3.6.Pont.12a.

- Conf. by LB of 3.6.Pont.8a. Notary: John son of John of Thirsk, clerk of York, witness to original judgement on 9 June 1325 and conf. on 11 June 1325.
- Witnesses (**original**): Master John de Nassington, official of the archdeacon of Durham, Master John de Hirlawe, and Master Thomas Ive, clerks, and Peter de Manyngford, b.'s sequestrator, and Hugh of Corbridge, notary.
- Witnesses (**conf.**): Master John de Insula, D. C. L., Dr. Thomas de Haswell, rector of Sedgfield, and Master John de Hirlawe.
- Dated: Allerton, 11 June 1325

#### ⌘ 2.1 Pont. 14

- Grant by NF to p. & c. of church of Bedington, excepting a vicarage worth 45 marks, to be conferred by the b., to be entered on the death or resignation of William de Blockleye, the present rector. P. & c. to be resp. for maintaining the roof.
- Witnesses: Sir John de Rumesye, Sir/Lord William de Blocleye, Lord Philip of St. Elena, Master Odo de Kilkenny, Master William de Hurworth, Lord Robert of St. Albans, Lord Martion of Holy Cross, Lorrdo John Gyllet, Roger of Winchester, chaplain, Richard Basset.
- Dated: Middleton, 28 January 1249

#### ⌘ 3.2 Pont. 4

- Grant by WK to Bertram of Middleton, p. and the c. of church of Branxton to support 2 monks at Warkworth. To be entered on death of Master Richard de Bervil, the rector.
- Witnesses: Lord William of Middleton, steward, Sir Marmaduke, fitz Geoffrey, Master Richard de Kirkham, Master Richard de Bervil, Masters Simon Guer, Robert de Driffeld and Robert de Henkeley, Lord William de Whitby and Lord John Russel chaplains, Lord Peter de Well', Lord Richard de Bussay, Lord William de Levingthorp, Lord William de Huddleston and others.
- Dated: Auckland, 20 July 1252

#### ⌘ 3.2 Pont. 8a

- Grant by WK to p. & c. of church of Bedlington, excepting vicarage of 45 marks, for the maintenance of the cathedral.
- Witnesses: Master Richard de Kirkham, Master Robert de Hynkale, Master Robert de Driffeld, Lord William de Middleton, seneschal to the b., Sir Marmaduke fitz Geoffrey, Sir William Basset, Sir Eudo de Punchardun, Lord William de Whitby chaplain, Lord Richard de Bussay, Lord Ralph Briton', Lord Roger of Waltham, Lord Hugh de Eccleshall, Lord William de Hudleston, clerks, and others.
- Undated, but c. October 1253

#### ⌘ 3.2 Pont. 6a/2.8.Pont.11 face: 3

- Grant by WK to p. & c. of church of Heighinton, on death of Master William of Kilkenny, the rector. There is to be a rector with a stipend of 30 marks pa. Incomes are to be used for hospitality and the relief of the poor.
- Witnesses: Master Richard de Kirkham, Master Robert de Hynkele, Master Robert de Driffen' [Driffeld], Lord William of Middleton, seneschal, Sir Marmaduke fitzGeoffrey, Sir William Basset, Sir Eudo de Punchardon, Lord William de Whitby, chaplain, Lord Richard de Bussay, Lord Ralph Britor', Lord Roger of Waltham, Lord Hugh of Eccleshall, Lord William of Hudleston, clerks, and others.
- Undated, but c. June 1253



### ⊕ 3.6.Pont.10.

- Evidence given by 10 witnesses concerning the p. & c. of Durham's right to hold their appropriated churches and to receive their annual pension of 4 marks from the chapel of Castle Eden.
- Witnesses: Richard de Aslakby, monk; Lord John de B/Cotwyk, brother, 50; Lord Stephen de Honedon, 60; Lord Thomas de Bamburgh, brother, 80; Lord William de Gyseburn, over 60 (*sexaginta amplius*), Lord Richard de Blakeston, chaplain, over 70; William de Heberum [Heb'er'm], lay brother, 80, Hugh de Cokyn, layman, over 60, Alexander del Mawdillaynes, layman, over 60, William de Scatith (?), 60
- Dated: 15 May 1325

### ⊕ 1.3 Pont. 3<sup>7</sup>

- Appropriation by Louis Beaumont, b. of Durham, of the church of Elwick to the p. and c. of Durham for their table. The b. recites a bull of Pope John XXII which, in response to a petition from the b. telling of the depleted state of the priory's resources as a result of hostile invasions, grants permission for the appropriation of the church, the advowson of which belongs to the b., and which was formerly rated for tithes at 40 marks but is now, owing to the results of enemy invasion, rated at 25 marks. The bull stipulates that the P and C may taken possession of the church when the rector resigns or dies, that there must be a perpetual vicar with a suitable stipend, and that no attempts by anyone using papal letters to stop the appropriation shall have any effect. The bull is dated at Avignon, 24 April Pont 17 [1333]
- The b. accordingly appropriates the church as specified by the pope, requiring also that each vicar shall be presented by the P and C to the b. of Durham, and that there shall be certain masses, a distribution of alms and a pittance for the monks, all for the sake of his souls.
- Given at Brantingham – 18 September 1333
- An endorsement reads: *Appropriatis ecclesie de Elwyk que non est exēcuta*

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<sup>7</sup> As fn. 1, above.

### ⊕ 3.9.Pont.5<sup>8</sup>

Licence of Richard [de Bury] b. of Durham to the P&C of Durham to acquire in mortmain various specified lands in Billingham, Aycliffe, the South Bailey at Durham, and Ferryhill. Viz. B. Richard de Bury gives the convent licence to acquire in mortmain from John de Cotom chaplain in Billingham 18 acres of land, 2 acres of meadow and a third of a messuage with the reversion of 6 acres of land, and a third of a messuage held in dower by Johanna, widow of William, son of William of Kirkharle, in Aycliffe two messuages, 7 acres of land and 1 acre of meadow, in the South Bailey, Durham, one messuage and 12d. rent of the fee of Robert son of Theobald of Fishburn; from John de Cotom and John of Cotherton chaplains in the South Bailey, Durham, one messuage of the fee of Robert son of Theobald of Fishburn; and to retain their acquisitions in Ferryhill of 3 acres of land from Peter Clerk of Ferryhill, and in Billingham of 2 messuages 40 acres of land held in dower by Johanna, widow of William, son of William of Kirkharle of the inheritance of Roger of Butterwick and acquired from him.

- Witnesses: Sir Thomas Surtees, steward, Sir William de Wessington, Sir Jordan de Dalden and Sir Roger de Esh, knights, John de Menvill, the sheriff, Simon de Esh, Walter de Hawyk, Walter de Ludworth and many others.

- Dated: Durham Castle, 10 January 1340

### ⊕ 3.2 Pont. 5

- Confirmation by WK of sale of 6 acres of land by Sir Robert Neville to p. & c.

- Witnesses (original): Sir W. de Middleton, then seneschal of Durham, Sir Marmaduke fitz Geoffrey, Sir Thomas de Herrington, Sir William Heron [Hayron], Sir Philip de Ley, Sir Alan de Kirkham, Sir Ralph fitz Alan, Sir W. Haget, Sir Adam [?W.?] de Hilton, Sir Eudo de Pinchard, Sir William Basset of Bunget/Runget, Sir Ralph Traynel and Sir H. de Eggleston, knights; Masters Richard de Kirkham, Ralph de Berevill, Robert de Hankeley, William Guer, Robert de Driffield, G. de Forset, Bernard de Nevill, Geoffrey de Nevill, Richard de Thornay, Ralph de Waltham, and others.

- Witnesses (confirmation): Master Richard de Kirkham, Master Robert de Driffield, Master Robert de Hankeley, Lord John of London, Lord John of York, Lord William of Whitby, Lord Roger of Waltham, Lord Hugh Beyvyn, Lord Geoffrey de Elm', Lord John de Clifton' and others.

- Dated: Gateshead, 22 March 1254

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<sup>8</sup> As fn. 1, above.

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